

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 13-cv-01727-RBJ-BNB

RONNIE VAUGHN,

Plaintiff,

v.

D. BERKEBILE, Federal Bureau of Prisons,

Defendant.

**ORDER ADOPTING AND AFFIRMING MAY 5, 2014 RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the May 5, 2014 Recommendation [ECF No. 39] of Magistrate Judge Boyd N. Boland that the Court grant the motion to dismiss filed by defendant D. Berkebile, Warden of the United States Prison, Administrative Maximum in Florence, Colorado (“ADX”). [ECF No. 25.] The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. [ECF No. 39.] Despite this advisement, twenty-four (24) days have passed since the magistrate judge issued the recommendation, and neither party has filed an objection. “In the absence of timely objection, the district court may review a magistrate . . . [judge’s] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other

standard, when neither party objects to those findings”).

The Court has reviewed all the relevant pleadings concerning the motion to dismiss and the Recommendation. Based on this review, the Court concludes that the magistrate judge’s analysis and recommendations are correct, and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of United States Magistrate Judge, [ECF No. 39], is ACCEPTED and ADOPTED. It is further ORDERED that defendant’s motion to dismiss [ECF No. 25] be GRANTED, and that this civil action and all remaining claims therein are DISMISSED WITH PREJUDICE.

DATED this 30th day of May, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

R. Brooke Jackson
United States District Judge