

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 13-cv-01731-CMA-KMT

KENNETH D. WOOD, and  
LAURIE A. WOOD,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

---

**ORDER ADOPTING AND AFFIRMING OCTOBER 2, 2013  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

---

This matter is before the Court on the October 2, 2013 Recommendation by United States Magistrate Judge Kathleen M. Tafoya that Defendants' Motion to Dismiss and Supporting Memorandum (Doc. # 11) be granted, and that the Complaint be dismissed. (Doc. # 21.) 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. (Doc. # 21 at 14-15.) Despite this advisement, no objections to Magistrate Judge Tafoya's Recommendation were filed by either party.

"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 Defendants’ Motion to Dismiss and Supporting Memorandum and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Tafoya’s thorough and comprehensive analyses 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 of Magistrate Judge Tafoya as the findings and conclusions of this Court.

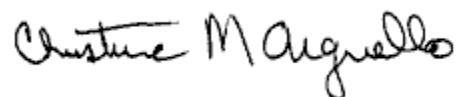
Accordingly, it is hereby ORDERED that the Recommendation of United States Magistrate Judge Kathleen M. Tafoya (Doc. # 21) is AFFIRMED and ADOPTED as an order of this Court. Pursuant to the Recommendation, it is

FURTHER ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE. It is

FURTHER ORDERED that, if Plaintiffs wish to proceed with this case, they must file an amended complaint by no later than November 22, 2013. Failure to file an amended complaint by this date will result in this case being closed.

DATED: October 23, 2013

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge