

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 13-cv-2042-WJM-MJW

JOSEPH VIGIL,

Plaintiff,

v.

RICK RAEMISCH, Executive Director, Colorado Department of Corrections, and
DARYL PROFITT, Employee of C.D.O.C., Faith and Citizens Programs,

Defendants.

**ORDER ADOPTING AUGUST 15, 2014 RECOMMENDATION OF MAGISTRATE
JUDGE AND GRANTING DEFENDANTS' MOTION TO DISMISS**

This matter is before the Court on the August 15, 2014 Recommendation of United States Magistrate Judge Michael J. Watanabe (the "Recommendation") (ECF No. 52) that Defendants' Motion to Dismiss (ECF No. 17) be granted. 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 days after being served with a copy of the Recommendation. (ECF No. 52 at 12.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); see also *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In

the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 52) is ADOPTED in its entirety;
- (2) Defendants' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6) (ECF No. 17) is GRANTED; and
- (3) Plaintiff's Second Amended Complaint (ECF No. 10) is hereby DISMISSED. Plaintiff's defamation claim (Claim 2) is DISMISSED WITHOUT PREJUDICE. Plaintiff's remaining claims (Claims 1, 3 and 4) are DISMISSED WITH PREJUDICE. Each party shall pay his own attorney's fees and costs.

Dated this 8th day of September, 2014.

BY THE COURT:



William J. Martínez
United States District Judge