

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

Civil Action No. 14-cv-00209-CMA-KLM

MATTHEW MICHAEL CIMINO,

Plaintiff,

v.

SERGEANT LONG,

Defendant.

---

**ORDER ADOPTING AND AFFIRMING AUGUST 21, 2014  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

---

This matter is before the Court on the August 21, 2014 Amended Recommendation by United States Magistrate Judge Kristen L. Mix that the Order to Show Cause (Doc. # 29) be made absolute, that the Complaint be dismissed, and Defendant's Motion to Dismiss (Doc. # 22) be denied without prejudice. (Doc. # 31.) 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. # 31 at 5.) Despite this advisement, no objections to Magistrate Judge Mix'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.”).

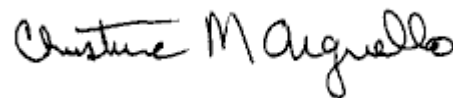
The Court has reviewed all the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that Magistrate Judge Mix’s thorough and comprehensive analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72, advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Mix 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. # 31) is AFFIRMED and ADOPTED as an order of this Court. Pursuant to the Recommendation, it is ORDERED that:

1. The Order to Show Cause (Doc. # 29) is MADE ABSOLUTE;
2. Defendant’s Motion to Dismiss (Doc. # 22) is DENIED WITHOUT PREJUDICE;
3. The Complaint (Doc. # 1) is DISMISSED; and
4. This case is DISMISSED IN ITS ENTIRETY.

DATED: September 15, 2014

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge