

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

Civil Action No. 14-cv-00834-CMA-BNB

ARLUS DANIEL, JR.,

Plaintiff,

v.

SARGENT STEINER,  
SARGENT VALDEZ,  
CORRECTIONAL OFFICER HARTLEY,  
CASE MANAGER RICK BURFORD,  
CASE MANAGER THOMPSON,  
CASE MANAGER HARTBAUER,  
SARGENT DAVE GACNIK,  
LIEUTENANT KEVIN HALL,  
LIEUTENANT TERRY SCAVARDA,  
LIEUTENANT MASON,  
LIEUTENANT RICHARDS,  
MAJOR TERRY HAMILTON,  
WARDEN PAMELA PLOUGH,  
EXECUTIVE DIRECTOR CLEMENTS,  
EXECUTIVE DIRECTOR RICK RAEMISCH,  
PAROLE OFFICER JANET RUSSELL, and  
GOVERNOR JOHN HICKENLOOPER

Defendants.

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**ORDER AFFIRMING NOVEMBER 3, 2015 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the November 3, 2015 Recommendation by United States Magistrate Judge Nina Y. Wang that Defendants'<sup>1</sup> Motion to Dismiss

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<sup>1</sup> Defendants' Motion to Dismiss was brought by Defendants Steiner, Valdez, Hartley, Burford,

Plaintiff's Second Amended Complaint (Doc. # 51) be granted and also that Defendant Lieutenant Mason be dismissed from the action. (Doc. # 61.) 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. # 61 at 17, n . 3.) Despite this advisement, no objections to Magistrate Judge Wang'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 and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Wang'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 Wang as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge Wang (Doc. # 61) is AFFIRMED and ADOPTED. Pursuant to that

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Thompson, Hartbauer, Gacnik, Hall, Scavarda, Richards, Hamilton, Plough, Clements, Raemisch, Russell, and Hickenlooper.

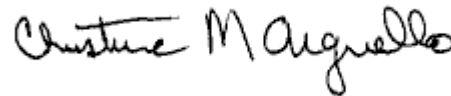
Recommendation, it is FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. # 51) is GRANTED. It is

FURTHER ORDERED that Defendant Lieutenant Mason is DISMISSED pursuant to D.C.COLO.LCivR 41.1 for Plaintiff's failure to properly serve him in compliance with Rule 4(m) of the Federal Rules of Civil Procedure, failure to comply with the Court's repeated orders, and for failure to prosecute. It is

FURTHER ORDERED that this case is dismissed with prejudice in its entirety.

DATED: November 30, 2015

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge