

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 14-cv-00887-WYD-CBS

MICHAEL G. POITRA,

Plaintiff,

v.

DENVER COUNTY SCHOOL DISTRICT NO. 1, also known as DENVER PUBLIC SCHOOLS; and
ANITA MARCHANT, Individually and as an employee of DENVER PUBLIC SCHOOLS,

Defendants.

**ORDER ADOPTING AND AFFIRMING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on the Recommendation of United States Magistrate Judge ("Recommendation"), filed October 21, 2015. (ECF No. 56). In the Recommendation, Magistrate Judge Shaffer recommends that Plaintiff's Motion for Leave to Amend Complaint (ECF No. 49) be denied. (Recommendation at 1, 12). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 36(b)(1)(B), Fed. R. Civ. P. 72(b).

Under Fed. R. Civ. P. 72, written objections are due within fourteen (14) days after service of a copy of the Recommendation. Here, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *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"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Shaffer's Recommendation is thorough, well-reasoned and sound. I agree with Magistrate Judge Shaffer that Plaintiff's Motion for Leave to Amend Complaint should be denied for the reasons noted in both the Recommendation and this Order.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Shaffer (ECF No. 56) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

ORDERED that Plaintiff's Motion for Leave to Amend Complaint (ECF No. 49) is **DENIED**.

Dated: November 12, 2015

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge

¹ Note, this standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review, Fed. R. Civ. P. 72(b).