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

Civil Action No. 14-cv-1435-WJM-KLM

BENJAMIN FRANCIS KOLE,

Plaintiff,
v.

SHERIFF JUSTIN SMITH, individually and in his official capacity,
CAPTAIN TIMOTHY PALMER, individually and in his official capacity,
LIEUTENANT STACEY SHAFFER, individually and in her official capacity, and
DEPUTY CASSONDRA WINDWALKER, individually,

Defendants.

ORDER ADOPTING NOVEMBER 7, 2014 RECOMMENDATION OF MAGISTRATE JUDGE AND DENYING PLAINTIFF'S MOTION TO RECONSIDER

This matter is before the Court on the November 7, 2014 Recommendation of United States Magistrate Judge Kristen L. Mix (the "Recommendation") (ECF No. 35) that Plaintiff's Motion to Reconsider the Order to Dismiss (ECF No. 22) be denied. 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. 35, at 6.) 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.").

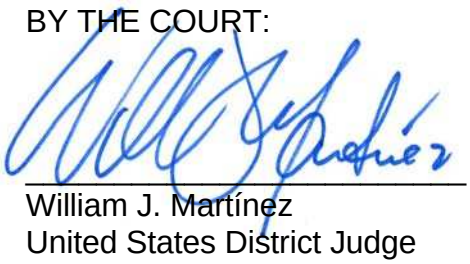
In accordance with the foregoing, the Court ORDERS as follows:

(1) The Magistrate Judge's Recommendation (ECF No. 35) is ADOPTED in its entirety;

(2) Plaintiff's Motion to Reconsider the Order to Dismiss (ECF No. 22) is DENIED.

Dated this 2nd day of December, 2014.

BY THE COURT:



William J. Martínez
United States District Judge