

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 14-cv-02114-PAB-MJW

NEAL O'NEILL,

Plaintiff,

v.

CORRECTIONAL HEALTHCARE COMPANY,
RN KATHY ROBINSON, Director of Medical,
DOCTOR HOWARD,
SHERIFF DEPUTY NUNCIO, and
NURSE MUZZY,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael J. Watanabe filed on February 24, 2016 [Docket No. 63]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on February 24, 2016. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is “no clear error on the face of the record.”¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 63] is ACCEPTED.
2. Defendant Nuncio’s Motion to Dismiss Claims Five and Six of Plaintiff’s Amended Complaint Pursuant to Fed. R. Civ. P. 8 & 12(b)(6) [Docket No. 24] is GRANTED.
3. Defendants Correctional Healthcare Company, Dr. Jacqueline Howard, Kathy Robinson and Amanda Zamora’s Motion to Dismiss [Docket No. 50] is GRANTED.
4. The Amended Complaint [Docket No. 10] is dismissed with prejudice.
5. This case is closed.

DATED March 22, 2016.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

¹This 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).