

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 14-cv-002174-RBJ-NYW

NATHANIEL JAMES HARVEY, III,

Plaintiff,

v.

SEARGENT [sic] GONZALEZ, individual and official, and
SEARGENT [sic] SCHMUTLER, individual and official,

Defendants.

ORDER

This matter is before the Court on the April 7, 2015 Recommendation [ECF No. 31] of Magistrate Judge Nina Y. Wang that the Court deny Plaintiff's Motion for Injunction to Preserve the Status Quo [ECF No. 29]. 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. No objection was filed by either party. "In the absence of timely objection, the district court may review a magistrate'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) ("It 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.")).

Upon review of the motion, the Court finds that Judge Wang's 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. In particular, the Court agrees that the requested relief is undiscernible from the face of the motion, and also that the plaintiff fails to address the four elements that must be established in order to succeed on a motion for preliminary injunction. As such, the Court ADOPTS the Recommendation as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of United States Magistrate Judge [ECF No. 31] is AFFIRMED and ADOPTED. Plaintiff's Motion for Injunction to Preserve the Status Quo [ECF No. 29] is DENIED WITHOUT PREJUDICE.

DATED this 6th day of May, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style. The signature is positioned above a horizontal line.

R. Brooke Jackson
United States District Judge