

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

Civil Action No 14-cv-02239-RBJ-MJW

LA SHUNDRA DIAN WILLIAMS,

Plaintiff,

v.

BRANDY, Nurse,

Defendant.

ORDER

This matter is before the Court on the September 28, 2015 Recommendation [ECF No. 42] of Magistrate Judge Michael J. Watanabe that the Court grant defendants' combined motion to dismiss and partial motion for summary judgment. [ECF No. 36]. 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 Watanabe's recommendation, based on plaintiff's failure to respond to the motion as well as Judge Watanabe's review of the motion, is appropriate, and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72 advisory committee's note. As such, the Court ADOPTS the Recommendation as the findings and conclusions of this Court. Accordingly, it is ORDERED that the Recommendation [ECF No. 42] is ACCEPTED and ADOPTED. Defendants' combined motion to dismiss and for partial summary judgment ECF No. 36] is GRANTED. This case is dismissed with prejudice.

DATED this 3rd day of November, 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