

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-02997-CMA-KLM

ALAN R. STORY,

Plaintiff,

v.

CITY OF FRUITA, et al.,

Defendants.

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S RECOMMENDATION (DOC. #
18) AND GRANTING DEFENDANTS' MOTION TO DISMISS (DOC. # 10)**

Currently before the Court is Magistrate Judge Kristen Mix's February 4, 2016 recommendation (Doc. # 18) that the Court grant the motion to dismiss filed by the City of Fruita, Ross Young, Steven Lentz, and Susan Carter (Doc. # 10). Magistrate Judge Mix's 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 14 days after being served with a copy of the recommendation. (Doc. # 18 at 10-11.) Despite this advisement, no objections to Magistrate Judge Mix's recommendation were filed by any of the parties. The Tenth Circuit has stated that "[i]n the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. State of Utah*, 927 F.2d 1165, 1167

(10th Cir. 1991). After reviewing Magistrate Judge Mix's recommendation, the Court finds that it is neither clearly erroneous nor contrary to law. See Fed. R. Civ. P. 72(a).

Therefore, it is hereby

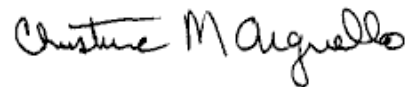
ORDERED that the Court ACCEPTS Magistrate Judge Mix's February 4, 2016 recommendation (Doc. # 18); it is

FURTHER ORDERED that Defendants' motion to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. # 10) is GRANTED; and it is

FURTHER ORDERED that this case is DISMISSED in its entirety.

DATED: March 10, 2016

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge