

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

Civil Action No. 14-cv-03000-CMA-MJW

JACOB DANIEL OAKLEY,

Plaintiff,

v.

RICK RAEMISCH, Executive Director (Individual and Official Capacities),

Defendant.

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**ORDER ADOPTING AND AFFIRMING FEBRUARY 2, 2016  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the Recommendation by United States Magistrate Judge Michael J. Watanabe that Defendant's Motion to Dismiss (Doc. # 29) be granted in part and denied in part. (Doc. # 55.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Defendant filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6) on March 19, 2015. (Doc. # 29.) The Motion was thereafter referred to Magistrate Judge Watanabe pursuant to the Order Referring Case dated December 16, 2014 (Doc. # 15) and the Memorandum dated March 30, 2015 (Doc. # 30). Plaintiff filed a self-styled "objection" in response to the Motion on May 11, 2015. (Doc. # 41.) Defendant thereafter replied. (Doc. # 48.) On February 2, 2016, Magistrate Judge

Watanabe issued his Recommendation that Defendant's Motion to Dismiss be granted in part and denied in part. (Doc. # 55.)

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. (Doc. # 55 at 11.) Despite this advisement, no objections were lodged by either party.

"In the absence of timely objection, the district court may review a magistrate [judge'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) (stating that "[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")).

The Court has reviewed all relevant pleadings concerning Defendant's Motion to Dismiss and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Watanabe's thorough and comprehensive 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. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Watanabe as the findings and conclusions of this Court.

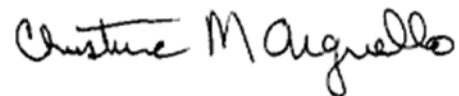
Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 55) is AFFIRMED and ADOPTED. It is

FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. # 29) is GRANTED IN PART AND DENIED IN PART. Specifically, Count One is dismissed

insofar as it seeks compensatory or punitive damages, but survives insofar as it seeks injunctive relief. Counts Two and Three are dismissed for failure to state a claim.

DATED: February 26, 2016

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive, flowing style.

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CHRISTINE M. ARGUELLO  
United States District Judge