

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00037-WYD-KLM

BETHANY ATKINS,

Plaintiff,

v.

HCA-HEALTHONE, LLC d/b/a ROSE MEDICAL CENTER, a Colorado Limited Liability
Company,

Defendant.

**ORDER ADOPTING AND AFFIRMING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on the Recommendation of United States Magistrate Judge ("Recommendation"), filed February 20, 2015. (ECF No. 9). In the Recommendation, Magistrate Judge Mix recommends that Plaintiff's Motion for Administrative Closure or, in the Alternative, Motion to Stay Proceedings (ECF No. 4) be granted and that that this case be administratively closed pursuant to D.C.COLO.LCivR 41.2. (Recommendation at 2). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 36(b)(1)(B), Fed. R. Civ. P. 72(b).

Under Fed. R. Civ. P. 72, written objections are due within fourteen (14) days after service of a copy of the Recommendation. Here, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *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"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Mix's Recommendation is thorough, well-reasoned and sound. I agree with Magistrate Judge Mix that this matter should be administratively closed pursuant to D.C.COLO.LCivR 41.2.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Mix (ECF No. 9) is **AFFIRMED** and **ADOPTED**.

In accordance therewith, it is

ORDERED that the Motion for Administrative Closure or, in the Alternative, Motion to Stay Proceedings (ECF No. 4) is **GRANTED**, and this case is administratively closed pursuant to D.C.COLO.LCivR 41.2. Plaintiff shall file a motion to reopen this case for good cause within 30 days of receipt of a Right to Sue letter from the EEOC.

¹ Note, this 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).

Dated: March 19, 2015

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge