

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 15-cv-00139-RM-NYW

PETERSON I. BATAILLE,

Plaintiff,

v.

DELAWARE NORTH COMPANY,¹

Defendant.

ORDER

This matter is before the Court on the November 11, 2015 Recommendation of United States Magistrate Judge Nina Y. Wang (the “Recommendation”) (ECF No. 34) to deny Defendant’s Motion to Dismiss or Strike Allegations in Plaintiff’s Complaint Related to Non-Adverse Employment Actions (ECF No. 13). 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 days after being served with a copy of the Recommendation. (ECF No. 34 at pages 7, 8.) Despite this advisement, no objections to the Recommendation have to date been filed by either party and the time to do so has expired. (*See generally* Dkt.)

¹ The parties apparently do not dispute Defendant should be identified as “CA Concessions of Colorado, Inc.” (ECF No. 13 at page 1).

The Court concludes that Magistrate Judge Wang's analysis was thorough and sound, and that there is no clear error on the face of the record. *See* FED. R. CIV. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."). The Recommendation is, therefore, adopted as an order of this Court.

In accordance with the foregoing, the Court:

- (1) ADOPTS the Recommendation of United States Magistrate Judge (ECF No. 34) in its entirety; and
- (2) DENIES Defendant's Motion to Dismiss or Strike Allegations in Plaintiff's Complaint Related to Non-Adverse Employment Actions (ECF No. 13).

DATED this 29th day of December, 2015.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge