

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

Civil Action No. 15-cv-00228-CMA-MJW

KELLY DALEY,

Plaintiff,

v.

ALPINE UROLOGY, P.C., a Colorado professional corporation,

Defendant.

**ORDER AFFIRMING AND ADOPTING THE JUNE 23, 2015 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to Magistrate Judge Michael J. Watanabe on April 1, 2015, to conduct non-dispositive proceedings pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). (Doc. # 18.) On June 23, 2015, Magistrate Judge Watanabe issued a Recommendation on Defendant's Renewed Motion to Dismiss. (Doc. # 26.) That 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. # 26 at 10.) Despite that advisement, no objections to Magistrate Judge Watanabe's Recommendation were filed 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) (“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.”)).

After reviewing Magistrate Judge Watanabe’s Recommendation, this Court is satisfied that it is sound and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(a). This Court agrees that Defendant’s Renewed Motion to Dismiss (Doc. # 10) should be denied.

Accordingly, it is hereby

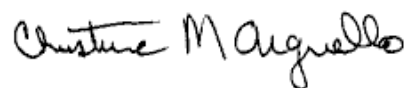
ORDERED that the Recommendation of United States Magistrate Judge Michael J. Watanabe (Doc. # 26), filed on June 23, 2015, is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that Defendant’s Renewed Motion to Dismiss (Doc. # 10) is DENIED.

DATED: July 9, 2015

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge