

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge R. Brooke Jackson

Civil Action No 15-cv-00244-RBJ-NYW

LEROY W. BAKER,

Plaintiff,

v.

LT. K. MEEK, Sterling Correctional Facility, Chaplain,

Defendant.

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ORDER

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This matter is before the Court on the December 31, 2015 Order and Recommendation of Magistrate Judge Nina Y. Wang [ECF No. 23]. The Recommendation addresses defendant's "Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Alternatively, Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56" [ECF No. 15]. 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 (14) days after being served with a copy of the Recommendation. ECF No. 23 at 12. Despite this advisement and permitting additional time for service and filing due to possible delays associated with the prison mail system, no objection to Magistrate Judge Wang's Recommendation was 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) (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 the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge’s 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 as the findings and conclusions of this Court.

#### **ORDER**

1. The Recommendation of United States Magistrate Judge Wang [ECF No. 23] is ADOPTED.
2. Defendant’s Motion [ECF No. 15] is considered as a Motion for Summary Judgment and is GRANTED. This case is dismissed in its entirety without prejudice.

DATED this 8th day of February, 2016.

BY THE COURT:



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R. Brooke Jackson  
United States District Judge