

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

Civil Action No. 15-cv-00601-RM-KLM

DAN ELMER, an individual,

Plaintiff,

v.

ALL AROUND ROUSTABOUT, LLC, a Colorado limited liability company,
ALL AROUND TRUCKING, LLC, a Colorado limited liability company,
RELIABLE FIELD SERVICES, LLC, a Colorado limited liability company, and,
ACE ENERGY SERVICES, LLC, a Colorado limited liability company,

Defendants

ORDER

This matter is before the Court on the October 7, 2015, Amended Recommendation of United States Magistrate Judge (the "Recommendation") (ECF No. 40), recommending that Defendants' Motion to Set Aside Clerk's Entry of Default and for Leave to Answer or Otherwise Plead (ECF No. 20) be granted. 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. 40 at page 13.) Despite this advisement, no objections to the Recommendation have to date been filed by any party and the time to do so has expired. (*See generally* Dkt.)

The Court concludes that Magistrate Judge Kristen L. Mix'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 Amended Recommendation of United States Magistrate Judge (ECF No. 40) in its entirety;
- (2) GRANTS Defendants' Motion to Set Aside Clerk's Entry of Default and for Leave to Answer or Otherwise Plead (ECF No. 20);
- (3) DENIES Plaintiff's Motion for Entry of Default and Default Judgment (ECF No. 10);
- (4) DIRECTS the Clerk of the Court to set aside the Entry of Default (ECF No. 11); and
- (5) ORDERS that Defendants shall pay Plaintiff's reasonable attorney's fees and costs incurred in moving for the Entry of Default and opposing the Motion to Set Aside (ECF No. 20). The amount of such fees shall be determined in accordance with the procedure set forth in the Recommendation (ECF No. 40, page 13).

DATED this 28th day of October, 2015.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge