

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 15-cv-00881-PAB-CBS

RAMONA SMITH,

Plaintiff,

v.

CHEYENNE MOUNTAIN SCHOOL DISTRICT 12,

Defendant.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Recommendation on Summary Judgment Motions (“the Recommendation”) [Docket No. 51] filed on May 11, 2017 by United States Magistrate Judge Craig B. Shaffer. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on May 11, 2017. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge’s recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, the Court has reviewed the

Recommendation to satisfy itself that there is “no clear error on the face of the record.”<sup>1</sup> Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law.

Accordingly, it is

**ORDERED** that the Recommendation on Summary Judgment Motions [Docket No. 51] is **ACCEPTED**. It is further

**ORDERED** that Defendant Cheyenne Mountain School District 12’s Amended Motion for Summary Judgment [Docket No. 44] is **GRANTED** in part as to plaintiff’s claim that defendant denied M.S. a free appropriate public education by failing to invite a Falcon representative to the November 2012 IEP meeting where it was decided to terminate his IEP and **DENIED** in part without prejudice as to defendant’s request for attorney fees and costs. It is further

**ORDERED** that Plaintiff’s Amended Motion for Summary Judgment [Docket No. 46] is **DENIED**. It is further

**ORDERED** that plaintiff’s claims that defendant denied M.S. a free appropriate public education by not evaluating him for autism and other areas of suspected disability are **DISMISSED** without prejudice. It is further

**ORDERED** that this case is closed.

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<sup>1</sup> 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 June 26, 2017.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge