

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

Civil Action No. 15-cv-01109-PAB-NYW

CHRISTOPHER COATES,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
DAVID ALLRED,
JESSICA SEATON, and
OFFICER KELLER,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Nina Y. Wang filed on December 31, 2015 [Docket No. 26]. 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 December 31, 2015. Objections were due on or before January 19, 2016.¹ 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

¹See Fed R. Civ. P. 6(a)(1), (d).

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."² 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.

Additionally, the Court notes that defendants did not redact the attachments to Dr. Allred's affidavit pursuant to Fed. R. Civ. P. 5.2(a). However, given the nature of these medical records, the Court will maintain the level 3 restriction on this attachment. See Docket Entry No. 24-1. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 26] is **ACCEPTED**.
2. Defendants' Motion for Summary Judgment [Docket No.19] is **GRANTED**.
3. Plaintiff's Motion for a Preliminary Injunction [Docket No. 5] is **DENIED** as moot.
4. This case is dismissed without prejudice.

DATED January 21, 2016.

BY THE COURT:

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

²This 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).