

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

Civil Action No. 15-cv-01248-PAB-KMT

JAMES E. JENNINGS,

Plaintiff,

v.

MICHELE K. LEE, Deputy Under Secretary of Commerce for Intellectual Property, and
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Kathleen M. Tafoya filed on November 17, 2015 [Docket No. 12]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 12 at 5. *See also* 28 U.S.C. § 636(b)(1)(C). Objections to the Recommendation were due on December 4, 2015. 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.”¹
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 of United States Magistrate Judge [Docket
No. 12] is ACCEPTED. It is further

ORDERED that this case is dismissed without prejudice pursuant to Fed. R. Civ.
P. 41(b) because plaintiff has failed to file a pleading that complies with the pleading
requirements of the Federal Rules of Civil Procedure. It is further

ORDERED that plaintiff’s Motion to Consolidate [Docket No. 13] and plaintiff’s
Motion to Compile [Docket No. 16], neither of which addresses the Recommendation,
are denied as moot.

DATED December 8, 2015.

BY THE COURT:

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

¹This 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).