

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 15-cv-2377-WJM-KMT

NICHOLAS MOLINAPALMA,

Plaintiff,

v.

PATRICIA HUGHES, in her official capacity as medical provider,
TINA CULLYFORD, in her official capacity as medical provider,
ALVIN MASSENBURG, in his official capacity as medical provider,
NICOLE BLATNICK, in her official capacity as medical provider, and
WILLIAM WISE, in his official capacity as medical provider,

Defendants.

**ORDER ADOPTING NOVEMBER 3, 2016 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the November 3, 2016 Recommendation of United States Magistrate Judge Kathleen M. Tafoya (the "Recommendation") (ECF No. 34) that Defendants Cullyford's, Massenburg's, and Bltanick's Motion to Dismiss (ECF No. 24) be denied, and that Plaintiff's claims against Defendants Wise and Hughes be dismissed without prejudice. 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. 34 at 9.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

The Court concludes that the Magistrate Judge'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.").

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 34) is ADOPTED in its entirety;
- (2) Defendants Cullyford's, Massenbourg's, and Blatnick's Motion to Dismiss (ECF No. 24) is DENIED; and
- (3) Plaintiff's claims against Defendants Wise and Hughes are DISMISSED WITHOUT PREJUDICE.

Dated this 28th day of November, 2016.

BY THE COURT:



William J. Martínez
United States District Judge