

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

Civil Action No. 15-cv-02430-PAB-NYW

RICHARD KEMPLE,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION, a nationally chartered bank,  
CITIMORTGAGE INC., a Delaware corporation, and  
BARRETT FRAPPIER & WEISSERMAN, LLP, an LLC,

Defendants.

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**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

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This matter is before the Court on the Recommendation of United States Magistrate Judge Nina Y. Wang filed on December 3, 2015 [Docket No. 10]. 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 3, 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.”<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** as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 10] is ACCEPTED.

2. This case is administratively closed pursuant to D.C.COLO.LCivR 41.2, subject to being reopened for good cause shown.

3. The parties shall file, either jointly or separately, a status report within 30 days of any action that serves to lift the automatic stay in plaintiff’s bankruptcy case. The status report shall indicate what the action was, the purported impact, and how the party or parties intend to proceed in this case. If the parties have not already filed a status report, the parties shall file a status report on or before May 23, 2016.

DATED December 23, 2015.

BY THE COURT:

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

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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).