

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 16-cv-00615-RBJ-NYW

LEONARD A. MARES,

Plaintiff,

v.

RICK RAEMISCH, Executive Director, P.P.M.U.,
RUIZ, Mrs., Case Manager,
GONZALES, Mrs., Case Manager, and
LOPEZ, Mr., Case Manager,

Defendants.

ORDER

This matter is before the Court on two Recommendations of Magistrate Judge Nina Y. Wang dated July 19, 2016 [ECF No. 68] and August 25, 2016 [ECF No. 73]. The former addresses plaintiff's motion to grant visitation [ECF No. 65], while the latter addresses defendant Rick Raemisch's combined motion to dismiss the second amended complaint and partial motion for summary judgment [ECF No. 32] and defendants Ruiz, Gonzales, and Lopez's motion to dismiss and for partial summary judgment [ECF No. 37]. The Recommendations are incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The Recommendations advised the parties that specific written objections were due within fourteen days after being served with a copy of each Recommendation. ECF No. 68 at 4–5 n.1; ECF No. 73 at 14 n.6. Despite these advisements, and permitting additional time for

service and filing due to possible delays associated with the prison mail system, no objection to Magistrate Judge Wang's Recommendations were filed by either party. "In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991).

The Court has reviewed both Recommendations and concludes that Magistrate Judge Wang's analyses and recommendations are correct, and that "there is no clear error on the face of the record." Fed. R. Civ. P. 72 advisory committee's note. Therefore, the Court adopts the Recommendations as the findings and conclusions of this Court.

ORDER

1. The Magistrate Judge's July 19, 2016 Recommendation [ECF No. 68] is **AFFIRMED** and **ADOPTED**.

2. The Magistrate Judge's August 25, 2016 Recommendation [ECF No. 73] is **AFFIRMED** and **ADOPTED**.

3. Plaintiff's Motion to Grant Visitation [ECF No. 65] is **DENIED**.

4. Defendant Rick Raemisch's Combined Motion to Dismiss the Second Amended Complaint (Doc. #28) and Partial Motion for Summary Judgment [ECF No. 32] is **GRANTED**. Mr. Mares' claims for monetary damages against Defendant Raemisch in his official capacity are dismissed with prejudice, and his remaining claims against Defendant Raemisch are dismissed without prejudice.

5. Motion to Dismiss and Partial Motion for Summary Judgment from Defendants Ruiz, Gonzales and Lopez [ECF No. 37] is **GRANTED**. Mr. Mares' claims against Defendants Ruiz, Gonzales, and Lopez are dismissed without prejudice.

6. Motion to Enter Evidence [ECF No. 70], Motion for the United States District Court to Investigate C.D.O.C. on Perjury and Discrimination [ECF No. 74], Motion to Submit Evidence on Perjury and Discrimination [ECF No. 75], Motion to Add Evidence on Reply to Defendants' Motion to Dismiss [ECF No. 76], and Motion to Add Evidence to Defendants' Motion to Dismiss and Motion to Investigate C.D.O.C. for Perjury and Discrimination [ECF No. 78] are denied as MOOT.

7. Accordingly, this civil action and all claims therein are dismissed, with or without prejudice as noted. As the prevailing parties, defendants are awarded their reasonable costs pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1. Final judgment will enter accordingly.

DATED this 17th day of February, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style.

R. Brooke Jackson
United States District Judge