

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 17-cv-01373-CMA-GPG

SUSAN ROBINSON,

Plaintiff,

v.

THE OIL SHALE CORPORATION, and  
XTO ENERGY INC.,

Defendants.

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**ORDER AFFIRMING AND ADOPTING THE JANUARY 16, 2018,  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the January 16, 2018, Recommendation by United States Magistrate Judge Gordon P. Gallagher (Doc. # 88), wherein he recommends that the Court grant Defendant XTO Energy Inc.'s Motion to Dismiss (Doc. # 71.) 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 (14) days after being served with a copy of the Recommendation. (Doc. # 88 at 1 n.2.) No party filed an objection to the Recommendation.

“In the absence of timely objection, the district court may review a magistrate [judge’s] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating

that “[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”).

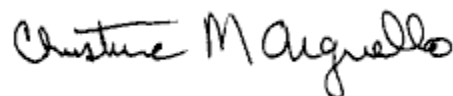
The Court has reviewed all relevant pleadings concerning Defendant XTO Energy Inc.’s Motion to Dismiss and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Gallagher’s analysis and recommendation are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note (1983).

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 88) is AFFIRMED and ADOPTED. In accordance with the Recommendation, this Court ORDERS that Defendant XTO Energy Inc.’s Motion to Dismiss (Doc. # 71) is GRANTED. It is

FURTHER ORDERED that the caption on all subsequent filings shall reflect the removal of XTO Energy Inc. as a Defendant in this case.

DATED: March 1, 2018

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge