

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

Civil Action No. 20-cv-00459-PAB-MEH

JABARI J. JOHNSON,

Plaintiff,

v.

REYNA, and
KORIN,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael E. Hegarty filed on January 26, 2024 [Docket No. 306]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 306 at 11-12 n.3; *see also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on January 26, 2024, and the deadline for objections was extended to April 26, 2024.¹ No party has objected to the Recommendation.

¹ On February 7, 2024, Mr. Johnson requested a 30-day extension of time to file an objection to the Recommendation, Docket No. 314, which the Court granted, extending the deadline to object to the Recommendation to March 6, 2024. Docket No. 317. On February 26, 2024, Mr. Johnson requested an additional 60-day extension of time to file an objection to the Recommendation, Docket No. 326, which the Court granted, extending the deadline to object to the Recommendation to April 26, 2024. Docket No. 328.

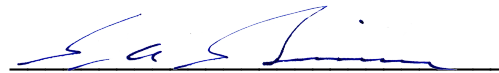
In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *See Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require 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."² 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 Michael E. Hegarty [Docket No. 306] is **ACCEPTED**;
2. Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b) for Plaintiff's Refusal to Attend his Deposition [Docket No. 268] is **GRANTED**;
3. This case is **DISMISSED with prejudice**; and
4. This case is closed.

DATED May 10, 2024.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge

² 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).