

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

Civil Action No. 23-cv-00081-PAB-KAS

CHRISTOPHER J. CORDOVA,

Plaintiff,

v.

TRISHA KAUTZ,
GREG CARWIN,
VICKIE NIRA,
JEREMY LONG, and
NICHOLE WHITE,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge [Docket No. 45]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 45 at 26-27; *see also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on August 12, 2024. 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) ("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.”¹ 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 that the Recommendation of United States Magistrate Judge [Docket No. 45] is **ACCEPTED**. It is further

ORDERED that CDOC Defendants’ Motion to Dismiss Plaintiff’s Complaint [Docket No. 31] is **GRANTED**. It is further

ORDERED that plaintiff’s individual-capacity claims against defendants Trisha Kautz, Greg Carwin, Vickie Nira, and Nichole White are **DISMISSED WITHOUT PREJUDICE**. It is further

ORDERED that plaintiff’s official-capacity claims against all defendants, to the extent he seeks monetary and retrospective declaratory relief, are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. It is further

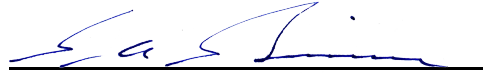
ORDERED that plaintiff’s official-capacity claims against all defendants, to the extent he seeks injunctive relief, are **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2), for failure to state a claim. It is further

¹ 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).

ORDERED that defendants Trisha Kautz, Greg Carwin, Vickie Nira, and Nichole White are dismissed from this case.

DATED August 30, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Philip A. Brimmer", is written over a solid black horizontal line.

PHILIP A. BRIMMER
Chief United States District Judge