

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Case No. 16-cv-01284-RM-NYW

PAT ALLEY, *et al.*,

Plaintiffs,

v.

ARCHULETA COUNTY BOARD OF COUNTY, *et al.*,

Defendants.

ORDER

Pending before the Court is the July 19, 2016 Report and Recommendation of U.S. Magistrate Judge Nina Y. Wang (“the R&R”) (ECF No. 16), recommending granting plaintiffs’ Motion to Deny Removal (ECF No. 10) and remanding this action to the District Court for Archuleta County, Colorado.

The R&R specifically advised the parties that written objections were due within 14 days after service of the same. (ECF No. 54 at 5 n.5.) The Magistrate Judge warned the parties that failure to file timely objections would waive *de novo* review of the R&R. (*Id.*) Despite the Magistrate Judge’s warning, no objections to the R&R were filed in this case. Instead, more than one month after entry of the R&R, defendants filed a Motion for Summary Judgment (ECF No. 18), which, given that it does not include a statement of undisputed facts (in violation of this Court’s Civil Practice Standards), is more accurately considered a motion to dismiss. In any event,

defendants' motion does not address any part of the R&R, and certainly does not raise any objections thereto.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72, Adv. Comm. Notes, subdivision (b) (1983); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

Accordingly, after consideration of the pertinent pleadings and the unopposed R&R, the Court finds that the Magistrate Judge's analysis and recommendation exhibit no clear error and ADOPTS the R&R (ECF No. 16) as if fully incorporated herein by reference. As a result, the Court GRANTS the Motion to Deny Removal (ECF No. 10), and REMANDS this action to the District Court for Archuleta County, Colorado.

In addition, the Court DENIES AS MOOT defendants' Motion for Summary Judgment (ECF No. 18), and DENIES AS MOOT plaintiffs' Motion for Clarification (ECF No. 20).

The Clerk is instructed to CLOSE this case.

SO ORDERED.

DATED this 9th day of November, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', is written over a horizontal line.

RAYMOND P. MOORE
United States District Judge