

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

Civil Action No. 13-cv-00701-RM-BNB

WALTER MYERS,
KATHERINE MYERS,
AMANDA WEAKLAND, and
PATRICK WEAKLAND

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT, an agency of the United States,

Defendant, and

PARK CENTER WATER DISTRICT,

Defendant-Intervenor.

**ORDER
ADOPTING FEBRUARY 12, 2014, RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE (ECF NO. 84)
AND GRANTING, IN PART, DEFENDANT BUREAU OF LAND MANAGEMENT'S
AMENDED MOTION FOR PARTIAL DISMISSAL OF THE COMPLAINT
(ECF NO. 26)**

THIS MATTER is before the Court on the Recommendation of United States Magistrate Judge (ECF No. 84) on Defendant Bureau of Land Management's ("BLM") Amended Motion for Partial Dismissal of the Complaint (ECF No. 26). Magistrate Judge Boyd N. Boland recommended that Plaintiffs' Second Claim for Relief be dismissed for lack of subject matter jurisdiction, and Plaintiffs' Third Claim for Relief and request for civil penalties be dismissed as they have been withdrawn. 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 they had 14 days to serve and file specific, written objections to the Recommendation. (ECF No. 84, page 6 n.2.) No objection was filed to the Recommendation and the time to do so has expired.

The Court has reviewed the Recommendation and the file, and concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. *See* Fed.R.Civ.P. 72(b) advisory committee's note ("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."); *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."). It is therefore

ORDERED that the Magistrate Judge's Recommendation (ECF No. 84) is ADOPTED in its entirety as an order of this Court;

FURTHER ORDERED that Defendant BLM's Amended Motion for Partial Dismissal of the Complaint (ECF No. 26) is GRANTED as to Plaintiffs' Second Claim for Relief and this claim is hereby DISMISSED; and

FURTHER ORDERED that, pursuant to Plaintiffs' request, the Third Claim for Relief and claim for civil penalties against Defendant BLM are hereby DISMISSED.

DATED this 5th day of May, 2014.

BY THE COURT:

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

RAYMOND P. MOORE
United States District Judge