

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

Civil Action No. 20-cv-02284-CMA-KAS

HUNTER MELNICK,

Plaintiff,

v.

TONYA GAMBLIN, CPO DOC
SARA PHELPS, CPS DOC, and
TERESA MITCHELL, CPO

Defendants.

**ORDER ADOPTING AND AFFIRMING OCTOBER 31, 2023 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the October 31, 2023 Recommendation of United States Magistrate Judge (Doc. # 140), wherein Magistrate Judge Kathryn A. Starnella recommends that Plaintiff Hunter Melnick's Motion for Preliminary Injunction (Doc. # 110) be denied. The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). The Court affirms and adopts the Recommendation for the following reasons.

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. # 140 at 4.) Despite this advisement, no objection to Magistrate Judge Starnella's Recommendation has been filed.

"[T]he district court is accorded considerable discretion with respect to the treatment of unchallenged magistrate reports. In the absence of timely objection, the

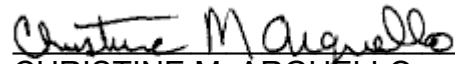
district court may review a magistrate [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings")).

After reviewing the Recommendation of Magistrate Judge Starnella, in addition to applicable portions of the record and relevant legal authority, the Court is satisfied that the Recommendation is sound and not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a). Accordingly, the Court ORDERS as follows:

- The October 31, 2023, Recommendation of United States Magistrate Judge (Doc. # 140) is AFFIRMED and ADOPTED as an order of this Court; and
- Plaintiff's Motion for Preliminary Injunction (Doc. # 110) is DENIED.

DATED: November 22, 2023

BY THE COURT:


CHRISTINE M. ARGUELLO
Senior United States District Judge