

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

Civil Action No. 21-cv-02542-CMA-SKC

MATTHEW GHORMLEY;
L.M.B., a minor, by and through their parent, MATTHEW GHORMLEY, for themselves
and all others similarly situated;

Plaintiffs,

v.

CHERRY CREEK SCHOOL DISTRICT BOARD OF EDUCATION;
CHRISTOPHER SMITH, in his individual capacity and official capacity as
Superintendent of Cherry Creek School District;
ANNE EGAN, in their individual capacity and capacity as member of Cherry Creek
School District Board of Education;
JANICE MCDONALD, in their individual capacity and capacity as member of Cherry
Creek School District Board of Education;
ANGELA GARLAND, in their individual capacity and capacity as member of Cherry
Creek School District Board of Education;
KELLY BATES, in their individual capacity and capacity as member of Cherry Creek
School District Board of Education; and
KAREN FISHER, in their individual capacity and capacity as member of Cherry Creek
School District Board of Education;

Defendants.

ORDER

This matter is before the Court on the Recommendation of United States
Magistrate Judge Nina Y. Wang. (Doc. # 72). Judge Wang recommends granting
Defendants' Motion to Dismiss Amended Complaint (Doc. # 42). For the following
reasons, the Court affirms and adopts Judge Wang's Recommendation as an order of
the Court.

The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (Doc. # 72, p. 34, n. 13). Neither party filed a timely objection. “[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.”)).

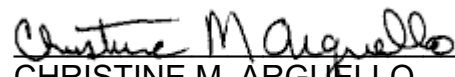
After reviewing Judge Wang’s Recommendation, the relevant portions of the record, and the applicable legal authority, the Court is satisfied that the Recommendation is sound and not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a). Accordingly, the Court ORDERS that the June 23, 2022 Recommendation of United States Magistrate Judge Wang (Doc. # 72) is AFFIRMED and ADOPTED as an Order of this Court. It is

FURTHER ORDERED that the Motion to Dismiss Amended Complaint (Doc. # 42) is GRANTED and the case is DISMISSED.

The clerk is directed to close this case.

DATED: August 4, 2022

BY THE COURT:



CHRISTINE M. ARGUELLO
Senior United States District Judge