

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Steven Angelo Apodaca v. Sgt. Fagrelius Clark, Stephen Giles, and Isom

Apodaca · No. 25-cv-00665-PAB-CYC · Decided January 6, 2026

SUMMARY

The United States District Court for the District of Colorado accepted a magistrate judge’s recommendation after no party filed objections. The court denied the State Defendants’ motion to dismiss the amended complaint as moot and without prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Colorado                                                                                                                                                                                 |
| WRITING FOR THE COURT | Philip A. Brimmer                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the District of Colorado                                                                                                                                                                                 |
| DECIDED               | January 6, 2026                                                                                                                                                                                                                           |
| DOCKET                | 25-cv-00665-PAB-CYC                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | The district court reviewed and accepted a magistrate judge's unobjected-to recommendation and denied the State Defendants' motion to dismiss the amended complaint as moot and without prejudice.                                        |
| STANDARD OF REVIEW    | When no party objects to a magistrate judge's recommendation, the district court may review the recommendation under any standard it deems appropriate. The court reviewed this recommendation for clear error on the face of the record. |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status is not established in the source.                                                                                                                                                   |

TOPICS

- motions to dismiss
- civil procedure
- section 1983
- prisoners rights
- civil rights

PRACTICE AREAS

- Civil procedure
- Federal courts
- Prisoner civil rights

## QUESTIONS PRESENTED

1. What standard of review may the district court apply when no party objects to a magistrate judge's recommendation?
2. Whether the magistrate judge's recommendation should be accepted after the district court's review.
3. Whether the State Defendants' motion to dismiss the amended complaint should remain pending.

## HOLDINGS

1. When no party objects to a magistrate judge's recommendation, the district court may review the recommendation under any standard it deems appropriate; here, the court reviewed it for clear error on the face of the record.
2. The magistrate judge's recommendation was accepted because the district court concluded that it correctly applied the facts and law and found no clear error on the face of the record.
3. The State Defendants' motion to dismiss the amended complaint was denied as moot and without prejudice.

## KEY QUOTATIONS

*“In the absence of an objection, the district court may review a magistrate judge’s recommendation under any standard it deems appropriate.”*

*“In this matter, the Court has reviewed the Recommendation to satisfy itself that there is “no clear error on the face of the record.””*

## FACTUAL BACKGROUND

The order concerns a magistrate judge's recommendation in an action involving an amended complaint and a motion to dismiss filed by State Defendants. The recommendation was served on the parties, but no party filed objections.

## PROCEDURAL HISTORY

The magistrate judge issued a recommendation subject to objections within fourteen days. The recommendation was served on December 17, 2025, and no party objected. The district court reviewed the recommendation for clear error on the face of the record, accepted it, and denied the State Defendants' motion to dismiss as moot and without prejudice.

## DISPOSITION

other

## CASES CITED

- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Chief Judge Philip A. Brimmer Civil Action No. 25-cv-00665-PAB-CYC STEVEN ANGELO APODACA, Plaintiff, v. SGT. FAGRELIUS CLARK, STEPHEN GILES, correctional officer, and ISOM, correctional officer, Defendants. ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION This matter is before the Court on the Recommendation of United States Magistrate Judge [Docket No. 105].

The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 105 at 2 n.1; see also 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on December 17, 2025. 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." 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. 105] is ACCEPTED. It is further ORDERED that State Defendants' Motion to Dismiss Amended Complaint [Docket No. 44] is DENIED as moot and without prejudice. DATED January 6, 2026. BY THE COURT: a CS PHILIP A. BRIMMER Chief United States District Judge ' 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).