

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

**Steven Angelo Apodaca v. Sgt. Fagrelus 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.

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).

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