

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Miguel A. Vazquez v. SRS-AOT-American Roofing, Luis Gonzalez,
Tracy Spence, and David F.

Vazquez · No. 25-cv-00378-PAB-NRN · Decided May 5, 2026

SUMMARY

The United States District Court for the District of Colorado accepts the magistrate judge’s recommendation without objection and grants defendants’ motion to dismiss. The court dismisses the plaintiff’s ADEA claim with prejudice, dismisses the amended complaint, and closes the case.

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	May 5, 2026
DOCKET	25-cv-00378-PAB-NRN
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation on defendants' motion to dismiss. No party filed objections.
STANDARD OF REVIEW	In the absence of objections, the district court may review the magistrate judge's recommendation under any standard it deems appropriate; here, the court reviewed the recommendation for clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Miguel A. Vazquez v. SRS-AOT-American Roofing, Luis Gonzalez, Tracy Spence, David F.

TOPICS

- motions to dismiss
- age discrimination
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review should the district court apply to an unobjected-to magistrate judge's report and recommendation?
2. Whether the magistrate judge's recommendation on defendants' motion to dismiss should be accepted and the amended complaint dismissed.

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; in this case, the court reviewed the recommendation for clear error on the face of the record.
2. The magistrate judge's recommendation was accepted, defendants' motion to dismiss was granted, plaintiff's ADEA claim was dismissed with prejudice, the amended complaint was dismissed, and the case was closed.

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 opinion contains few material facts because it resolves the case through review of an unobjected-to report and recommendation. Plaintiff asserted an ADEA claim in an amended complaint, and defendants moved to dismiss. The court also noted that defendants identified the proper names of certain defendants and that plaintiff did not contest those representations.

PROCEDURAL HISTORY

Defendants moved to dismiss the amended complaint. The magistrate judge issued a report and recommendation recommending disposition of the motion, which was served on March 31, 2026. Because no party objected, the district court reviewed the recommendation for clear error on the face of the record, accepted it, granted the motion to dismiss, dismissed the plaintiff's ADEA claim with prejudice, dismissed the amended complaint, and closed the case.

DISPOSITION

dismissed

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 Judge Philip A. Brimmer Civil Action No. 25-cv-00378-PAB-NRN MIGUEL A. VAZQUEZ, Plaintiff, v. SRS-AOT-AMERICAN ROOFING, LUIS GONZALEZ, TRACY SPENCE, and DAVID F., Defendants.¹ ORDER ACCEPTING MAGISTRATE JUDGE’S RECOMMENDATION This matter is before the Court on the Report and Recommendation on Defendants’ Motion to Dismiss [Docket No. 31].

The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 31 at 9; see also 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on March 31, 2026. 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). Defendants note that “SRS-AOT-American Roofing Supply” should refer to SRS Distribution Inc. and that “David F.” refers to David Falbo. Docket No. 19 at 1 n.1-2. Plaintiff did not file a response to defendants’ motion to dismiss, did not object to defendants’ representations regarding the proper name of the defendants during the February 18, 2026 motion hearing before the magistrate judge, and did not file an objection to the magistrate judge’s recommendation.

See Docket No. 30. 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 Report and Recommendation on Defendants’ Motion to Dismiss [Docket No. 31] is ACCEPTED. It is further ORDERED that Defendants’ Motion to Dismiss [Docket No. 19] is GRANTED. It is further ORDERED that plaintiffs ADEA claim is DISMISSED with prejudice. It is further ORDERED that plaintiffs amended complaint, Docket No. 7, is DISMISSED.

It is further ORDERED that this case is closed. DATED May 5, 2026. BY THE COURT: ee ef PHILIP A. BRIMMER 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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