

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

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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