

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

**Justin Rueb v. Moses Andre Stancil, Dean Williams, and Mark
Fairbairn**

Rueb v. Stancil · No. 24-cv-03014-PAB-STV · Decided December 3, 2025

OPINION

Rueb

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Chief Judge Philip A. Brimmer Civil Action No. 24-cv-03014-PAB-STV

JUSTIN RUEB,

Plaintiff, v.

MOSES ANDRE STANCIL,

DEAN WILLIAMS, and

MARK FAIRBAIRN,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE’S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge [Docket No. 45]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 45 at 17 n.12; see also 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on November 6, 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.”¹ 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. 45] is ACCEPTED. It is further ORDERED that defendants Motion to Dismiss Amended Complaint [Docket No. 24] is GRANTED. It is further ORDERED that the 42 U.S.C. § 1983 claims against defendants Moses Andre Stancil and Mark Fairbairn, in their official capacities, are DISMISSED without prejudice. It is further ORDERED that the 42 U.S.C. § 1983 claims against defendant Dean Williams, in his individual capacity for monetary damages,

are DISMISSED with prejudice. It is further ORDERED that the Court declines supplemental jurisdiction over plaintiff's state law claims and those claims are DISMISSED without prejudice.² It is further 1 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). 2 Under Colo. Rev. Stat. § 13-80-111(1), if claims are properly commenced within the statute of limitations and involuntarily dismissed because of lack of jurisdiction, the plaintiff "may commence a new action upon the same cause of action within ninety days after the termination of the original action or within the period otherwise allowed by this article, whichever is later." See also *Artis v. D.C.*, 583 U.S. 71, 74-75 (2018) (holding that 28 U.S.C. § 1367(d) tolls the statute of limitations for state law claims asserted under § 1367(a) during the pendency of the federal litigation in which such claims are brought and for thirty days following involuntary dismissal of those claims on jurisdictional grounds). 2 ORDERED that this case is closed. DATED December 3, 2025. BY THE COURT: xa cf
PHILIP A. BRIMMER
Chief United States District Judge