

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 1:21-cv-00071-RM-NYW

MARCUS A. MURPHY,

Plaintiff,

v.

DOUGLAS “DOUG” L. LAMBORN, in his official capacity as a U.S. House Representative
(CO-5),

Defendant.

ORDER

This matter is before the Court on the January 27, 2022 Recommendation of United States Magistrate Judge Kathleen M. Tafoya (the “Recommendation”) (ECF No. 25) to dismiss the Plaintiff’s Complaint pursuant to the Motion to Dismiss of Defendant the Honorable Douglas Lamborn. (ECF No. 20.) The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); FED. R. CIV. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (ECF No. 25 at pp. 13-14.) Despite this advisement, no objections to the Recommendation have to date been filed by Plaintiff and the time to do so has expired. (*See generally* Dkt.)

The Court concludes that Magistrate Judge Tafoya’s analysis was thorough and sound, and that there is no clear error on the face of the record. *See* FED. R. CIV. P. 72(b) advisory committee’s note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also*

Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991) (“In the absence of timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”). The Recommendation is, therefore, adopted as an order of this Court.

In accordance with the foregoing, the Court:

- (1) ACCEPTS and ADOPTS the Magistrate Judge’s Recommendation (ECF No. 25) in its entirety;
- (2) GRANTS the Motion to Dismiss of Defendant the Honorable Douglas Lamborn (ECF No. 20),
- (3) DISMISSES without prejudice Plaintiff’s Claims I, II, III, IV, and VII for lack of subject matter jurisdiction ;
- (4) DISMISSES with prejudice Plaintiff’s Claims V, VI and VIII for a failure to state a claim upon which relief can be granted; and
- (5) The Clerk is directed to close this case.

DATED this 15th day of February, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE
United States District Judge