

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHARMANE SMITH,

Plaintiff,

v.

Case No. 20-2580-JWB

VALU MERCHANDISERS, CO.,

Defendant.

**MEMORANDUM ORDER**

This matter is before the court on the November 23, 2020 Report and Recommendation (Doc. 6) by United States Magistrate Judge Teresa J. James that Plaintiff Charmane Smith's complaint (Doc. 1) be DISMISSED. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Plaintiff was advised that specific written objections were due within 14 days after being served with a copy of the Report and Recommendation. (Doc. 6, at 5.) Plaintiff has not filed a timely objection or otherwise made any effort to respond to the magistrate judge's Report and Recommendation. "In the absence of timely objection, the district court may review a magistrate . . . [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t 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").

The court agrees with the reasoning of Judge James's analysis and recommendations and finds that "there is no clear error on the face of the record." *See* Fed. R. Civ. P. 72(b) advisory

committee's note. Thus, the court ADOPTS the Report of the magistrate judge as the findings and conclusions of this court. Accordingly, Plaintiff's complaint (Doc. 1) is DISMISSED.

IT IS SO ORDERED this 7th day of January, 2021.

s/ John W. Broomes  
JOHN W. BROOMES  
UNITED STATES DISTRICT JUDGE