

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Daniel D. Domenico**

Civil Action No. 24-cv-00711-DDD-STV

DATE FILED
October 13, 2024 11:18 AM
CASE NUMBER: 2024CV30221

TOWN OF SUPERIOR;
BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
BOULDER, COLORADO;
Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
JEFFERSON, COLORADO;
DR. STEPHANIE CORBO,
Defendants.

**ORDER ADOPTING RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE
AND REMANDING CASE**

Before me is the recommendation of United States Magistrate Judge Scott T. Varholak that Plaintiff's Motion to Remand, Doc. 21, be granted and this case remanded to state court. Doc. 31. The recommendation states that any objections must be filed within fourteen days after its service on the parties. *Id.* at 13 n.5 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2)). The recommendation was served on September 26, 2024, and no party has objected to it.

In the absence of a timely objection, I may review a magistrate judge's recommendation under any standard I deem appropriate. *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150, 154 (1985)). In this matter, I have reviewed the recommendation to satisfy myself that there is "no clear error on the face of the record." Fed. R. Civ. P. 72(b) Advisory Committee Notes. Based on that review, I have concluded that the recommendation is a correct

application of the facts and the law. As Judge Varholak explained, there is no federal question on the face of Plaintiffs' complaint, the complete preemption doctrine does not apply, and this Court lacks subject matter jurisdiction over Plaintiffs' claims. *See* Doc. 31 at 13. I also agree with Judge Varholak that an award of fees and costs is not appropriate here. *See id.* at n. 4.

Accordingly, it is **ORDERED** that:

The **Recommendation of United States Magistrate Judge, Doc. 31**, is **ACCEPTED** and **ADOPTED**;

Plaintiffs' **Motion to Remand, Doc. 21**, is **GRANTED**; and

This case is **REMANDED** to Boulder County District Court.

DATED: October 11, 2024

BY THE COURT:



~~Daniel D. Domenico~~
United States District Judge

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that the foregoing is a true copy of an original document remaining on file and record in my office.

WITNESS my hand and SEAL of said Court this day of **Oct 11, 2024**

JEFFREY P. COLWELL

By **s/C. Madrid**

Deputy