

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00496-PAB-MEH

DEBBIE BELL,

Plaintiff,

v.

DR. POLLACK,

Defendant,

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael E. Hegarty filed on April 20, 2009 [Docket No. 85]. The Recommendation states that objections to the Recommendation must be filed within ten days after its service on the parties. See *also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on April 21, 2009. No party has objected to the Recommendation.

As noted in the Recommendation, court mail addressed to plaintiff has been returned as undeliverable since April of 2009. The Recommendation was served at plaintiff's last known address and was returned as undeliverable. However, as stated in the Recommendation, plaintiff has failed to inform the court of her current mailing address and therefore bears responsibility for not receiving a copy of the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *Summers v. Utah*, 927 F.2d

1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“[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”). In this matter, I have reviewed the Recommendation to satisfy myself that there is “no clear error on the face of the record.”¹ See Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, I have concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 85] is ACCEPTED.
2. This matter, and all claims asserted therein, is dismissed without prejudice, for plaintiff’s failure to prosecute this action.

DATED May 29, 2009.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER
United States District Judge

¹This 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).