

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 08-cv-2422-WDM-KLM

CAROL HURTT,

Plaintiff,

v.

NATIONAL ACTION FINANCIAL SERVICES, INC.,

Defendant.

ORDER ON RECOMMENDATION OF MAGISTRATE JUDGE

Miller, J.

This matter is before me on the recommendation of Magistrate Judge Kristen L. Mix issued August 2, 2010 (ECF No. 38), on Order to Show Cause (ECF No. 36) why the action should not be dismissed for failure to move for substitution of party within ninety days after service of the statement noting death. No substitution of party has been filed.

Plaintiff has not objected to this recommendation and is not entitled to *de novo* review. 28 U.S.C. § 636(b).

I have reviewed the recommendation and agree with its analysis.

Accordingly, it is ordered:

1. The recommendation issued August 2, 2010, by Magistrate Judge Mix is accepted.

2. The case is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

DATED at Denver, Colorado, this 26th day of August, 2010.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Walker D. Miller', written over a horizontal line.

Walker D. Miller
Senior United States District Judge