

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 08-cv-02582-MSK-KLM

PETER D. THURLOW, JR.; and
MICHELLE A. MARTINEZ,

Plaintiffs,

v.

COUNTRYWIDE FINANCIAL CORPORATION,
COUNTRYWIDE HOME LOAN, INC., and
BANK OF NEW YORK;

Defendants.

**OPINION AND ORDER ADOPTING RECOMMENDATION
AND DISMISSING ACTION**

THIS MATTER comes before the Court pursuant to the August 24, 2009 Recommendation (# 11) of United States Magistrate Judge Kristen L. Mix that the action be dismissed with prejudice.

More than 10 days have passed since the Recommendation was served on the parties, and no party has filed an Objection. Fed. R. Civ. P. 72(b). Accordingly, the Court reviews the Recommendation under whatever standard it deems appropriate. *Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir.1991). This Court has reviewed the Recommendation under the otherwise applicable *de novo* standard of Fed. R. Civ. P. 72(b).

Upon *de novo* review, the Court make the same findings as those of the Magistrate Judge, conductd the same analysis, and reaches the same conclusions for essentially the same reasons

stated.¹ Accordingly, the Court **ADOPTS** the Recommendation in its entirety. The Complaint (# 2) is **DISMISSED** with prejudice for failure to diligently prosecute this action under Fed. R. Civ. P. 41(b). The Clerk of the Court shall close this case.

Dated this 15th day of September, 2009

BY THE COURT:



Marcia S. Krieger
United States District Judge

¹This Court would further note that the Plaintiffs' failure to respond to the Recommendation in any way further demonstrates the lack of any intention to prosecute this case and further suggests that any sanction short of dismissal would be ineffective in inducing their future diligence.