

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-00103-CMA-BNB

NEAL ALLEN MORRIS,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, Executive Director of the DOC,
HOYT BRILL, Warden of KCCC,
MR. WILKERSON, Assistant Warden of KCCC,
MR. WINDSLOW, Legal Access Facilitator of KCCC,
MS. COOPER, Unit Manager of KCCC,
MS. VAUGHN, Case Manager, of KCCC,
MS. MAINE, Private Prison Monitor Unit Staff of KCCC, and
MS. BLAKE, Grievance Officer at KCCC,

Defendants.

**ORDER ADOPTING AND AFFIRMING DECEMBER 15, 2009
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the December 15, 2009 Recommendation by the Magistrate Judge that Plaintiff's Complaint be dismissed for Plaintiff's failure to prosecute and failure to keep the Court informed of his current address, as required by the Local Rules. (Doc. # 52, citing D.C.COLO.LCiv.R 10.1M and 41.1.) The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed.R.Civ.P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation.

(Doc. # 52 at 2.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party.

"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").

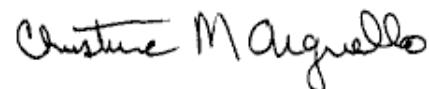
Applying this standard, the Court is satisfied that the Recommendation of the Magistrate Judge is sound and that there is no clear error on the face of the record. See Fed.R.Civ.P. 72(a). The Court agrees that Plaintiff's Complaint should be dismissed. Accordingly, it is hereby

ORDERED that the Recommendation of the Magistrate Judge (Doc. # 52), filed December 15, 2009, is AFFIRMED and ADOPTED. Plaintiff's Complaint (Doc. # 14) is DISMISSED WITH PREJUDICE.

In light of the Court's dismissal, the two outstanding Motions to Dismiss (Doc. ## 28 and 55) are DENIED as moot.

DATED: January 15, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge