

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

Civil Action No. 09-cv-01568-CMA-MEH

DEBORAH L. HENLEY,

Plaintiff,

v.

VERIZON,

Defendant.

**ORDER ADOPTING AND AFFIRMING OCTOBER 19, 2009 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the *sua sponte* Recommendation of the Magistrate Judge that this case be dismissed for Plaintiff's failure to prosecute, *i.e.*, her failure to respond to the Court's Order to Show Cause (Doc. # 15) and her failure to appear at the October 19, 2009 Scheduling Conference before the Magistrate Judge. The Magistrate Judge issued a Recommendation on October 19, 2009 that this case be dismissed (Recommendation at 1), and 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 ten (10) days after being served with a copy of the Recommendation. (Recommendation at 1.) 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, I am 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). I agree that this case should be dismissed. Accordingly, it is hereby

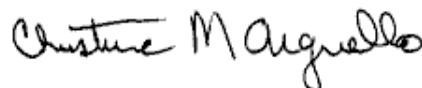
ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 18), filed October 19, 2009, is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE and that Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. # 11) is DENIED AS MOOT.

DATED: November 5, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge