

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 10-cv-00302-REB-MEH

SHERRIE LAFORCE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the **Recommendation of United States Magistrate Judge** [#70]¹ filed April 2, 2012. I approve and adopt the recommendation.

No objections to the recommendation were filed. Thus, I review it only for plain error. **See Morales-Fernandez v. Immigration & Naturalization Service**, 418 F.3d 1116, 1122 (10th Cir. 2005).² Finding no error, much less plain error, in the recommendation of the magistrate judge, I find and conclude that the recommendation should be approved and adopted as an order of this court. Appropriately, the magistrate judge recommends that the complaint [#1-2] of the plaintiff be dismissed, without prejudice, based on the failure of the plaintiff to prosecute this case and her

¹ “[#70]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. **Morales-Fernandez**, 418 F.3d at 1122.

failure to comply with the orders of the court.

In the recommendation [#70], the magistrate judge finds accurately the relevant facts and analyzes correctly the factors which must be considered before dismissing a complaint based on the failure of a plaintiff to prosecute his or her claims and the failure of a plaintiff to comply with the orders of the court. **See, e.g., Gripe v. City of Enid, Okl.**, 312 F.3d 1184, 1188 (10th Cir. 2002), citing **Ehrenhaus v. Reynolds**, 965 F.2d 916, 918 (10th Cir. 1992). Based on that analysis, I agree with the recommendation of the magistrate judge that this case must be dismissed under FED. R. CIV. P. 41(b).

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#70] filed April 2, 2012, is **APPROVED** and **ADOPTED** as an order of this court;
2. That under FED. R. CIV. P. 41(b), the complaint [#1-2] of the plaintiff is **DISMISSED** without prejudice based on the failure of the plaintiff to prosecute her claims and her failure to comply with the orders of the court;
3. That under FED. R. CIV. P. 58, judgment without prejudice **SHALL ENTER** in favor of the defendant, Wells Fargo Bank, NA, against the plaintiff, Sherrie LaForce, and dismissing the complaint of the plaintiff [#1-2]; and
4. That the defendant is **AWARDED** its costs, to be taxed by the clerk of the court under Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated January 16, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge