

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

Civil Case No. 10-cv-02436-REB-BNB

SHARP FAMILY MARKET, a Colorado limited liability company,

Plaintiff,

v.

UNITED STATES,
THE DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE, and
MOUNTAIN PLAINS REGION COMPLIANCE CENTER,

Defendants.

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

Blackburn, J.

This matter is before me on the following: (1) **Recommendation of United States Magistrate Judge** [#21]¹ filed June 30, 2011; and (2) **Defendants' Motion To Vacate Trial Date and Stay All Deadlines Pending Action on Magistrate Judge's Recommendation To Dismiss Case** [#28] filed August 24, 2011. Neither party has filed objections to the recommendation. Because no party filed objections to the recommendation, I review the recommendation only for plain error. ***See Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10th Cir.

¹ “[#21]” 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.

2005).² Finding no error, much less plain error, in the magistrate judge's recommended disposition, I approve and adopt the recommendation and grant the motion to dismiss.

The plaintiff is a Colorado limited liability company. On May 5, 2011, the magistrate judge permitted the plaintiff's counsel to withdraw. *Order* [#18]. The magistrate judge cautioned the plaintiff that, as an entity, it cannot represent itself or appear in this court without counsel admitted to practice before this court. The magistrate judge warned the plaintiff of various sanctions that could be imposed on the plaintiff if it failed to obtain counsel. The magistrate judge ordered also that the plaintiff cause substitute counsel to enter an appearance on or before May 20, 2011. *Order* [#18]. Hearing nothing from the plaintiff, the magistrate judge issued an order to show cause [#20] directing the plaintiff to show cause why this case should not be dismissed based on the plaintiff's failure to prosecute this action and failure to cause substitute counsel to enter an appearance on behalf of the plaintiff. The plaintiff has filed nothing in this case since the magistrate judge permitted the plaintiff's counsel to withdraw. Mail addressed to the plaintiff has been returned to the court. *See* [#25, #26].

In his recommendation, the magistrate judge recommends that this case be dismissed under D.C.COLO.LCivR 41.1 based on the plaintiff's failure to prosecute this action and based on the plaintiff's failure to cause substitute counsel to enter an appearance on behalf of the plaintiff. Given the circumstances of this case, the magistrate judge's recommended disposition of this case is undoubtedly correct.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#21] filed

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

June 30, 2011, is **APPROVED** and **ADOPTED** as an order of this court;

2. That under FED. R. CIV. P. 41(b) and D.C.COLO.LCivR 41.1, this case is **DISMISSED** without prejudice; and

3. That the **Defendants' Motion To Vacate Trial Date and Stay All Deadlines Pending Action on Magistrate Judge's Recommendation To Dismiss Case [#28]** filed August 24, 2011, is **DENIED** as moot.

Dated August 25, 2011, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge