

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

Civil Action No. 11-cv-02003-CMA-MEH

TONY SCHMID,

Plaintiff,

v.

CORNELL CORRECTIONS OF AMERICA,
WARDEN VEACH,
DR. SHAVALINI M. SANTHANBAR, and
TIMOTHY F. LYDEN,

Defendants.

**ORDER AFFIRMING OCTOBER 25, 2012 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the October 25, 2012 Recommendation by United States Magistrate Judge Michael E. Hegarty. (Doc. # 109.) In his Recommendation, the Magistrate Judge recommended dismissal of Defendants Santhanbar and Schmidt for failure to effectuate service under Fed. R. Civ. P. 4(m), and for dismissal of this action in its entirety due to Plaintiff's failure to comply with the payment requirements of 28 U.S.C. § 1915(b) and failure to respond to the Court's orders.

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. # 109 at 2 n.1.) Despite this advisement, no objections to Magistrate Judge Hegarty'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.”)).

The Court has reviewed all the relevant pleadings in this case. Based on this review, the Court concludes that Magistrate Judge Hegarty’s analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Hegarty as the findings and conclusions of this Court.

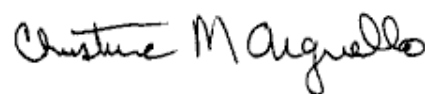
Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 109) is AFFIRMED and ADOPTED.

It is ORDERED that Defendants Santhanbar and Schmidt are DISMISSED WITHOUT PREJUDICE due to Plaintiff’s failure to serve them under Rule 4(m).

It is FURTHER ORDERED that this case be DISMISSED WITHOUT PREJUDICE due to Plaintiff’s failure to fulfill his payment obligations and his failure to comply with this Court’s orders.

DATED: November 16, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge