

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-02247-WJM-KLM

DEREK SPEIGHT,

Plaintiff,

v.

FERRELL & SELDIN, Attorney at Law
THOMAS FERRELL, Individually
BARRY SELDIN, Individually
CAPITAL ONE BANK N.A.

Defendants.

**ORDER AFFIRMING NOVEMBER 15, 2011 RECOMMENDATION AND
DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

This matter is before the Court on the November 15, 2011 Recommendation by United States Magistrate Judge Kristen L. Mix that this action be dismissed without prejudice based on Plaintiff's failure to comply with multiple court orders and failure to prosecute. (ECF No. 5.) 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 Plaintiff that specific written objections were due within fourteen days after being served with a copy of the Recommendation.¹ (ECF No. 5 at 3.) Despite this advisement, no objections to the Magistrate Judge's

¹ The Court notes that, despite the fact that Plaintiff has failed to respond to numerous court orders, no mail has been returned. Thus, the Court presumes that Plaintiff is receiving its orders.

Recommendation were filed. “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 the Recommendation and concludes that “there is no clear error on the face of the record.” See Fed. R. Civ. P. 72(b) advisory committee’s note. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is hereby ORDERED that the Recommendation of the United States Magistrate Judge (ECF No. 5), filed November 15, 2011, is ACCEPTED. For the reasons cited therein, this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall close the case.

Dated this 9th day of December, 2011.

BY THE COURT:



William J. Martínez
United States District Judge