

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02656-MSK-MJW

BRIAN M. GROSS,

Plaintiff,

v.

STEVE M. VICALVI,

Defendant.

FINAL JUDGMENT

In accordance with all orders previously filed during the pendency of this case, and pursuant to Fed. R. Civ. P 58(a), the following Final Judgment is hereby entered.

Pursuant to the Electronic Order filed on April 16,2013 adopting the Recommendation issued by the Magistrate Judge to dismiss the case due to plaintiff's failure to appear and prosecute, it is

ORDERED that the Recommendation of Magistrate Judge Watanabe (**Doc. #94**) is **ADOPTED**. Plaintiff's Amended Complaint (**Doc. #14**) is dismissed pursuant to Fed. R. Civ. P. 16(f) and/or D.C.COLO.LCivR 41.1 based upon the plaintiff's failure to appear, failure to prosecute, and failure to comply with this court's orders, and the case is closed. It is further

ORDERED that the defendant is AWARDED its costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 18th day April, 2013.

ENTERED FOR THE COURT:
JEFFREY P. COLWELL, CLERK
By: s/Edward Butler
Edward Butler, Deputy Clerk