

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 11-cv-03324-RM-MJW

SHAWN MANDEL WINKLER,

Plaintiff,

v.

THOMAS MERTENS, Correctional Officer, and  
JOHN DOE 2,

Defendants.

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**ORDER**

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This matter is before the Court on the July 29, 2015 Recommendation of United States Magistrate Judge Michael J. Watanabe (the "Recommendation") (ECF No. 200) to grant Defendants' Motion to Dismiss for Failure to Make Payment Toward the Filing Fee and Failure to Provide Notice of Plaintiff's Current Address (ECF No. 179). 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 the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (ECF No. 200 at 9-10.) Despite this advisement, no objections to the Recommendation have to date been filed by any party and the time to do so has expired. (*See generally* Dkt.)

The Court concludes that Magistrate Judge Watanabe's analysis was thorough and sound, and that there is no clear error on the face of the record. *See* FED. R. CIV. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate."). The Recommendation is, therefore, adopted as an order of this Court.

In accordance with the foregoing, the Court:

- (1) ADOPTS the Magistrate Judge's Watanabe's Recommendation (ECF No. 200) in its entirety;
- (2) GRANTS Defendant Mertens's motion to dismiss for failure to make payment toward the filing fee and failure to provide notice of Plaintiff's current address (ECF No. 179); and
- (3) DISMISSES, with prejudice, the operative Complaint (ECF No. 19).

DATED this 25th day of August, 2015.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge