

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

Civil Action No. 11-cv-03369-CMA-MJW

SHANNON CREWS,

Plaintiff,

v.

DANA WEAVER-OSTERHOLTZ, M.D., and
PARKVIEW MEDICAL CENTER, INC.,
d/b/a PARKVIEW MEDICAL CENTER AND PARKVIEW WEST,

Defendants.

**ORDER AFFIRMING JULY 2, 2012 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the July 2, 2012 Recommendation by United States Magistrate Judge Michael J. Watanabe that this action be dismissed based upon Plaintiff's failure to appear, failure to prosecute, and failure to comply with court orders. (Doc. # 36.) 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 (14) days after being served with a copy of the Recommendation. (Doc. # 36 at 4.) Despite this advisement, no objections to Magistrate Judge Watanabe'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 Magistrate Judge Watanabe's reasons for recommending dismissal of this action. Based on this review, the Court finds “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 Watanabe as the findings and conclusions of this Court.

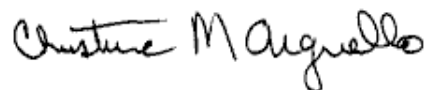
Accordingly, it is ORDERED that the July 2, 2012 Recommendation of the United States Magistrate Judge (Doc. # 36) is AFFIRMED and ADOPTED.

It is FURTHER ORDERED that this case be DISMISSED pursuant to Fed. R. Civ. P. 16(f) and/or 41(b) and D.C.COLO.LCivR 41.1 based upon Plaintiff's repeated failure to appear, her failure to prosecute, and her failure to comply with the court's orders.

It is FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 16(f)(2), Plaintiff is directed to pay the defendant's reasonable expenses – including attorneys' fees – incurred because of her failure to appear at the June 12 and July 2, 2012 hearings, unless she shows that her failure to appear was substantially justified or other circumstances make an award of expenses unjust.

DATED: August 01, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge