

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

Civil Action No. 12-cv-00489-CMA-KLM

JOSE MEDINA ESCOBAR,

Plaintiff,

v.

ASSOCIATE WARDEN S. FOSTER,  
DEPUTY DIRECTOR L. REID,  
MAJOR L. MALFELD,  
LIEUTENANT L. TRAVIS,  
LIEUTENANT TEDEMANN,  
LIEUTENANT BURKE,  
CAPTAIN PADILLA,  
CAPTAIN D. WILLIAMS,  
SERGEANT MARQUEZ,  
SERGEANT MONTGOMERY,  
SERGEANT KELEMAN,  
SERGEANT HAWKINS,  
SERGEANT FRETWELL,  
C/O CALDARONELLO,  
C/O P. ARCHULETA,  
C/O ALANIS,  
C/O AURITI,  
C/O SAUCIDO,  
C/O KITCHEN,  
C/O S. HARTUNG,  
C/O MONTANEZ,  
C/O B. TETRICK, and  
C/O VERSTEEGH,

Defendants.

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**ORDER AFFIRMING JUNE 18, 2012 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the June 18, 2012 Recommendation by United States Magistrate Judge Kristen L. Mix that Defendants Keleman and Versteegh be dismissed without prejudice. (Doc. # 42.) On June 5, 2012, the Magistrate Judge ordered Plaintiff to show cause as to why his claims against Defendants Keleman and Versteegh should not be dismissed under Fed. R. Civ. P. 4(m). (Doc. # 32.) Although Plaintiff filed a timely response on June 14, 2012 (Doc. # 36), he did not provide any new addresses at which Defendants Keleman or Versteegh could be served, prompting the Magistrate Judge to find that “Plaintiff cannot provide the necessary information to effect service on Defendants Keleman and Versteegh.” (Doc. # 36.) Thus, the Magistrate Judge recommended that Defendants Keleman and Versteegh be dismissed pursuant to Fed. R. Civ. P. 4(m).

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. # 147 at 31.) Despite this advisement, no objections to Magistrate Judge Watanabe’s Recommendation have been filed by Plaintiff, nor has Plaintiff effectuated service on Defendants Keleman and Versteegh. “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.”)).

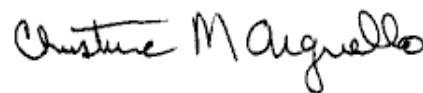
The Court has reviewed all the relevant pleadings, including the June 5, 2012 Order to Show Cause, Plaintiff's Response to the Order to Show Cause, and the Recommendation. Based on this review, the Court concludes that Magistrate Judge Mix's analyses and recommendations are correct and that "there is 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 Mix as the findings and conclusions of this Court.

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 42) is AFFIRMED and ADOPTED.

It is FURTHER ORDERED that Defendants Keleman and Versteegh are DISMISSED WITHOUT PREJUDICE as parties to this action, pursuant to Fed. R. Civ. P. 4(m), and that the caption on all subsequent filings shall reflect the removal of Sergeant Keleman and C/O Versteegh as Defendants in this case.

DATED: July 10 , 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge