

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

Civil Action No. 12-cv-1385-WJM-MEH

JOSE OROZCO, *et al.*

Plaintiffs,

v.

CASTLE, STAWIARSKI, LLC,
MR. LAWRENCE E. CASTLE,
GOVERNMENT TECHNOLOGY SYSTEMS (GTS),
ROBERT J. HOPP & ASSOCIATES LLC.,
MR. GARY GLENN,
ENTRAVISION/UNIVISION KCEC-TV,
CBS 4 NEWS KCNC-TV, and
DENVER DISTRICT ATTORNEY

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION AND
DISMISSING CASE WITHOUT PREJUDICE**

On November 1, 2013, Magistrate Judge Michael E. Hegarty entered a Recommendation that this action be dismissed without prejudice for failure to effect service within the time permitted by Federal Rule of Civil Procedure 4(m). (ECF No. 81.) Plaintiffs filed a timely objection to the Recommendation. (ECF No. 82.)

I. LEGAL STANDARD

When a magistrate judge issues a recommendation on a dispositive matter, Federal Rule of Civil Procedure 72(b)(3) requires that the district court judge “determine de novo any part of the magistrate judge’s [recommendation] that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). In conducting its review, “[t]he district court judge

may accept, reject, or modify the recommendation; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*

II. ANALYSIS

In their objection, Plaintiffs contend that they have not served Defendants because they are being systematically oppressed, punished, and tortured by State officials. (ECF No. 82 at 1-2.) Plaintiffs allege that they are suffering from post-traumatic stress disorder, which is causing a loss of memory, and that the resulting anxiety and stress attacks make it impossible for them to prosecute this action. (*Id.*)

The Court is familiar with the allegations levied by Plaintiffs in this case and others filed by the same or similarly situated parties. The Court appreciates that being under criminal investigation is likely stressful, but it cannot allow a civil action to remain stagnant indefinitely. This case was filed nearly eighteen months ago, yet Plaintiffs have failed to effect service on a single Defendant. The stresses and pressures that Plaintiffs are facing does not excuse such a significant delay. Accordingly, having reviewed the issue *de novo*, the Court reaches the same conclusion as the Magistrate Judge and adopts the Recommendation in full. This action is dismissed *sua sponte* without prejudice based on Plaintiffs’ failure to serve within the confines of Rule 4(m).

III. CONCLUSION

For the reasons set forth above, the Court ORDERS as follows:

1. The Magistrate Judge’s November 1, 2013 Recommendation (ECF No. 81) is ACCEPTED IN FULL;

2. The above-captioned action is DISMISSED WITHOUT PREJUDICE for failure to effect timely service in accordance with Federal Rule of Civil Procedure 4(m).
3. The Clerk shall enter judgment and close the case.

Dated this 19th day of November, 2013.

BY THE COURT:



William J. Martinez
United States District Judge