

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

Civil Action No. 12-cv-2718-WJM-KLM

TINA GARCIA,

Plaintiff,

v.

JUDY D. GRAVES,

Defendant.

**ORDER ADOPTING NOVEMBER 18, 2013 RECOMMENDATION OF MAGISTRATE
JUDGE AND DISMISSING CASE WITH PREJUDICE**

This matter is before the Court on the November 18, 2013 Recommendation of United States Magistrate Judge Kristen L. Mix (the "Recommendation"). (ECF No. 51)

The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Magistrate Judge Mix recommended that Defendant's Motion for Sanction of Dismissal or in the Alternative Motion for Imposition of Fees and Costs (ECF No. 47) be granted to the extent that Defendant seeks dismissal of this action, and that the Court's Order to Show Cause why this case should not be dismissed for failure to prosecute (ECF No. 50) be made absolute. (ECF No. 51 at 6.) The Recommendation advised the parties that specific written objections were due within fourteen days after being served with a copy of the Recommendation. (*Id.* at 7.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

The Court concludes that the Magistrate Judge'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.").

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge's Recommendation (ECF No. 51) is ADOPTED in its entirety;
- (2) Defendant's Motion for Sanction of Dismissal (ECF No. 47) is GRANTED, the Court's Order to Show Cause (ECF No. 50) is made absolute, and the above captioned-matter is hereby DISMISSED WITH PREJUDICE pursuant to Fed. R. Civ. P. 41(b);
- (3) Defendant's Motion for Imposition of Fees and Costs (ECF No. 47) is DENIED WITHOUT PREJUDICE for failure to comply with D.C.COLO.LCivR. 54.3; and
- (4) Defendant's Motion to Compel Discovery (ECF No. 34), as well as Plaintiff's Motion to Stay (ECF No. 38), are DENIED as MOOT.

The Clerk shall enter Judgment in favor of Defendant, who shall have her costs.

Dated this 18th day of December, 2013.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge