

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-01092-PAB-MJW

STANLEY M. POHL,
ZINAIDA Q. POHL, and
PRINCE SONG CAMBILARGIU,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION, as successor trustee to Bank of America, N.A.,
as successor to LaSalle Bank, N.A., as trustee for Merrill Lynch First Franklin Mortgage
Loan Trust, Asset-Backed Certificates, Series 2007-4, and
ALL PERSONS OR ENTITIES CLAIMING ANY LEGAL OR EQUITABLE RIGHT,
TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THIS
COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD UPON
PLAINTIFF'S TITLE THERETO, and
DOES 1-20,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge Michael J. Watanabe filed on October 22, 2013 [Docket No. 33]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on October 22, 2013. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985)

("[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"). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is "no clear error on the face of the record."¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. The Recommendation of United States Magistrate Judge [Docket No. 33] is ACCEPTED.

2. Plaintiffs' claims against All Persons or Entities Claiming Any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in this Complaint Adverse to Plaintiff's Title, or Any Cloud upon Plaintiff's Title Thereto, and Does 1-20 are dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) and/or D.C.COLO.LCivR 41.1 based upon plaintiffs' failure to prosecute and failure to serve these defendants.

DATED November 13, 2013.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

¹This standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review. Fed. R. Civ. P. 72(b).