

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

Civil Action No. 13-cv-02676-CMA-MJW

DAWANE ARTHUR MALLET,

Plaintiff,

v.

DAVID OWEN LAW, Correctional Officer,  
A. BALSICK, Correctional Officer,  
N. LEE, Correctional Officer,  
G. SANDUSKY, Correctional Officer, and  
RUSSELL KRIST, ADX Captain,

Defendants.

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**ORDER AFFIRMING MAY 15, 2014 RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the May 15, 2014 Recommendation by United States Magistrate Judge Michael J. Watanabe that Plaintiff's case be dismissed with prejudice for failure to prosecute. (Doc. # 42.) 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. # 42 at 5.) 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”).

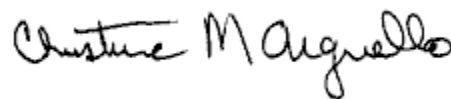
The Court has reviewed all the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that Magistrate Judge Watanabe’s analyses and recommendations are correct and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72, advisory committee’s note. Therefore, the Court ADOPTS the Recommendation of Magistrate Judge Watanabe 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 this case is DISMISSED WITH PREJUDICE for failure to prosecute.

DATED: June 5, 2014

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge