

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 14-CV-00012-RM-KLM

TOMMY WAYNE BRISTOL,

Plaintiff,

v.

EL PASO COUNTY SHERIFF DEPT.,  
C. MOTT, Deputy,  
N. NUNCIO, Deputy,  
DORSEY, Deputy,  
HOLLOWAY, Deputy,  
HARE, Deputy,  
ELMANTE, Deputy,  
JEFFERSON, Deputy,  
SORY, Deputy,  
GOODLOW, Deputy,  
SIRDIS, Deputy,  
JOHNSON, Specialist,  
SEETER, Deputy, and  
HABERT, Sergeant, in his individual capacity,

Defendants.

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**ORDER**

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This matter is before the Court on Magistrate Judge Kristen L. Mix's Recommendation ("Recommendation") (ECF No. 64) that the Court dismiss Plaintiff's case with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Court incorporates the Recommendation 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 days after being served with a copy of the Recommendation. (ECF No. 64 at 6-7.)

Despite this advisement, to date, no party has filed objections to the Recommendation and the time to do so has expired. (*See generally* Dkt.)

The Court concludes that Magistrate Judge Mix’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 [a] timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”). The Court, therefore, adopts the Magistrate Judge’s order in its entirety as its order.<sup>1</sup>

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<sup>1</sup> Plaintiff’s address as listed in the original complaint is: Tommy Wayne Bristol, A0285461, Criminal Justice Center, 2738 E. Las Vegas St., Colorado Springs, CO, 80906-1522. (ECF No. 1 at 2.) Plaintiff’s address as listed in the amended complaint is: Tommy Wayne Bristol, A0285461, C.J.C., 2739 E. Las Vegas St., Co. Springs, CO 80906-1522. (ECF No. 36 at 2.) The certificate of service attached to Defendants’ motion to dismiss states that Defendants mailed it to: Tommy Wayne Bristol, A0285461, El Paso County Criminal Justice Center, 2739 E. Las Vegas Street, Colorado Springs, CO 80906. (ECF No. 60 at 11.) The notice of electronic filing attached to Defendants’ motion to dismiss states that notice has been mailed to: Tommy Wayne Bristol, #166542, Centennial Correctional Facility (CCF), P.O. Box 777, Canon City, CO 81215. (ECF No. 60.) On December 16, 2014, the Court received notice that mail was returned as undeliverable to: Tommy Wayne Bristol, A0285461, El Paso County Criminal Justice Center, 2739 East Las Vegas Street, Colorado Springs, CO 80906. (ECF No. 46.) Both the order to show cause (ECF No. 63) and the Recommendation (ECF No. 64) were mailed to: Tommy Wayne Bristol, #166542, Centennial Correctional Facility (CCF), P.O. Box 777, Canon City, CO 81215. The Court’s docket for this matter does not indicate that Plaintiff did not receive Defendants’ motion to dismiss (ECF No. 60), the Court’s order to show cause (ECF No. 63), or the Recommendation (ECF No. 64). (*See generally* Dkt.) Absent some evidence that Plaintiff has not received Defendants’ motion to dismiss (ECF No. 60), the Court’s order to show cause (ECF No. 63), or the Recommendation (ECF No. 64), the Court presumes Plaintiff received each of the documents in question.

In accordance with the foregoing, the Court:

(1) ADOPTS the Magistrate Judge's Recommendation (ECF No. 64) to dismiss with prejudice this matter in its entirety pursuant Rule 41(b) of the Federal Rules of Civil Procedure; and

(2) DENIES as MOOT Defendants' motion to dismiss (ECF No. 60).

DATED this 30th day of June, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge