

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-00620-NYW

MATTHEW J. SMITH,

Plaintiff,

v.

WILLIAM COLTON,

Defendant.

ORDER OF DISMISSAL

Magistrate Judge Nina Y. Wang

By Order dated January 6, 2015, the court denied Plaintiff's Motion for Extension of Time of 60 days to respond to Defendant's First Set of Interrogatories and Requests for Production of Documents. [#31]. Plaintiff never responded to Defendant's written discovery requests, and Defendant filed a Motion to Compel on February 19, 2015. [#37]. This court ordered Plaintiff to respond to the Motion to Compel on or before March 12, 2015. [#38]. Plaintiff did not file a Response. This court granted the Motion to Compel in part and denied it in part in an Order dated March 13, 2015. [#40]. A copy of that Order was returned to the court as undeliverable on April 10, 2015. [#43].

Pursuant to Local Rule of Practice 41.1, D.C.COLO.LCivR, I ordered Plaintiff to show cause in writing and on or before April 13, 2015 why this case should not be dismissed pursuant to D.C.COLO.LCivR 41.1 for lack of prosecution and failure to comply with an Order of the court. [#42, issued March 26, 2015]. Plaintiff has failed to respond or otherwise demonstrate an

interest in pursuing this action. On March 25, 2014, the Parties consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) and the Pilot Program to Implement the Direct Assignment of Civil Cases to Full Time Magistrate Judges. [#10]. Accordingly,

IT IS ORDERED that Plaintiff's Complaint be DISMISSED WITHOUT PREJUDICE for lack of prosecution and failure to comply with an order of the court.

DATED: July 7, 2015

BY THE COURT:

s/Nina Y. Wang
United States Magistrate Judge