

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

Civil Action No. 14-cv-00841-PAB-BNB

DONALD E. FYMBO,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER, COLORADO,
MITCHELL MORRISEY, District Attorney,
ALFRED HARRELL, Denver County Judge,
JOHN LIETZ, Detective, Denver Police Department,
THE STATE OF COLORADO, Denver Auto Dealer Licensing Board,
FRANK MACIAS, and
ROBERT KENNEY,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATIONS

This matter is before the Court on the Recommendations of United States Magistrate Judge Boyd N. Boland filed on October 9, 2014 [Docket No. 21] and October 27, 2014 [Docket No. 24]. The Recommendations state that objections must be filed within fourteen days after service on the parties. See 28 U.S.C. § 636(b)(1)(C). The Recommendations served on October 9, 2014 and October 28, 2014, respectively. No party has objected to either 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 Recommendations of United States Magistrate Judge [Docket Nos. 21 and 24] are ACCEPTED.
2. The complaint is dismissed without prejudice as to defendants Mitchell Morrisey, Alfred Harrell, John Lietz, Frank Macias, Robert Kenney, and State of Colorado, Denver Auto Dealer Licensing Board, for failure to prosecute, failure to timely effect service of process as required by the Federal Rules of Civil Procedure, and failure to comply with an order of the Court.

DATED December 17, 2014.

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).