

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 14-cv-0878-WJM-NYW

JAMES A. RILEY,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

**ORDER ADOPTING APRIL 8, 2015 RECOMMENDATION OF MAGISTRATE JUDGE
GRANTING DEFENDANT'S MOTION TO DISMISS**

This matter is before the Court on the April 8, 2015 Recommendation of United States Magistrate Judge Nina Y. Wang (the "Recommendation") (ECF No. 43) that Defendant's Motion to Dismiss (ECF No. 22) be granted. 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 days after being served with a copy of the Recommendation. (ECF No. 43 at 3 n.1.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received. The Court notes that Judge Wang's Recommendation stated that, at the time it was issued, the record contained no indication that Plaintiff was not receiving the Court's orders. (ECF No. 43 at 3). However, since the Recommendation was issued, mail sent to the Plaintiff has been returned as undeliverable. (ECF Nos. 47 & 48). Nevertheless, pursuant to this Court's Local Rule, D.C. COLO. LAttyR 5(c), it is the obligation of a party, represented or unrepresented, to

file a “Notice of change of . . . mailing address . . . no later than five days after the change.” The record is void of any update provided from Plaintiff as to his current contact information.

The Court therefore concludes that the Magistrate Judge’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 timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.”).

In accordance with the foregoing, the Court ORDERS as follows:

- (1) The Magistrate Judge’s Recommendation (ECF No. 43) is ADOPTED in its entirety;
- (2) Defendant’s Motion to Dismiss (ECF No. 36) is GRANTED; and
- (3) Plaintiff’s Complaint (ECF No. 1) is hereby DISMISSED for failure to prosecute.

Dated this 15th day of May, 2015.

BY THE COURT:



William J. Martinez
United States District Judge