

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

Civil Action No. 1:14-cv-02419-RM-KMT

XO DEVELOPMENT, LLC, a Colorado Corporation, and  
ATHEROCOR, Inc., a Colorado Corporation,

Plaintiffs,

v.

DR. JEFFREY RAINES, and  
MATT KAHN,

Defendants.

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**ORDER**

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On February 26, 2015, United States Magistrate Judge Kathleen M. Tafoya issued an Amended Recommendation (“Recommendation”) that this case “be dismissed in its entirety, with prejudice” and “that all pending motions be denied as moot.” (ECF No. 61.) The Recommendation was based on Plaintiffs’ failure to obtain counsel,<sup>1</sup> failure to respond to the Magistrate Judge’s Order to Show Cause, and failure to prosecute this case. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); FED. R. CIV. P. 72(b).

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the Magistrate Judge informed the parties that any party may serve and file written objections to the Recommendation within fourteen days after service of a copy of the Recommendation. Defendants timely filed a “Notice of No Objection to Amended Recommendation” (ECF No. 63). Despite the Magistrate

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<sup>1</sup> Plaintiffs are corporations; therefore, they may not appear in this court acting *pro se*. *See* D.C.COLO.LAttyR 5.

Judge's advisement, no objections to the Recommendation have to date been filed by Plaintiffs and the time to do has expired. (*See generally* Dkt.)<sup>2</sup>

The Court has considered the Recommendation, and all other relevant matters, and 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."). The Recommendation is, therefore, adopted as an order of this Court. It is therefore **ORDERED**

- 1) That the Amended Recommendation of United States Magistrate Judge (ECF No. 61) is **ADOPTED** in its entirety and made an Order of this Court;
- 2) That Plaintiffs' entire action is hereby **DISMISSED WITH PREJUDICE**;
- 3) That all pending motions are **DENIED AS MOOT**; and
- 4) That the Clerk of the Court is directed to close this case.

DATED this 23rd day of March, 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

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<sup>2</sup> The Court notes that Defendants also served a copy of the Recommendation upon Plaintiffs. (ECF No. 62.)