

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Wiley Y. Daniel

Civil Action No. 14-cv-02584-WYD-KMT

MARISOL SILVA,

Plaintiff,

v.

COAST TO COAST FINANCIAL SOLUTIONS, INC., a California corporation,

Defendant.

**ORDER AFFIRMING AND ADOPTING RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court in connection with Magistrate Judge Kathleen M. Tafoya's *sua sponte* Recommendation of United States Magistrate Judge (ECF No. 24) ("Recommendation"), issued on September 15, 2015, which is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Magistrate Judge Tafoya recommends that default judgment be entered against Defendant Coast to Coast Financial Solutions, Inc., and in favor of Plaintiff Marisol Silva, and that Plaintiff file an accounting of damages she believes are recoverable based on her claims.

On May 14, 2015, Defendant's counsel's Motion to Withdraw as Attorney of Record (ECF No. 17) was granted by Magistrate Judge Tafoya. The Defendant corporation was advised that it could not appear without counsel admitted to the bar of this court, and that Defendant must obtain counsel and file an entry of appearance on or before June 4, 2015. Minute Order (ECF. No. 20). Defendant was notified that failure

to obtain substitute counsel by that date could result in the striking of pleadings and papers, the entering of a default judgment against it, and other sanctions under D.C.Colo.LAttyR 5(b). *Id.* Defendant did not obtain substitute counsel.

On June 26, 2015, Magistrate Judge Tafoya entered an order, instructing Defendant to show cause in writing, by and through legal counsel, why default judgment should not be entered against it. Recommendation, p. 2. Defendant did not respond to the order.

Magistrate Judge Tafoya advised the parties that written objections were due within fourteen (14) days after service of the Recommendation. *Id.* at 3-4. Despite this advisement, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation “under any standard [I] deem[] appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that “[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”). Nonetheless, though not required to do so, I review the Recommendation to “satisfy [my]self that there is no clear error on the face of the record.”¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I agree with Magistrate Judge Tafoya’s finding that a default judgment against Defendant Coast to Coast Financial Solutions, Inc. is appropriate in

¹ Note, this 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).

this matter. I further agree with the recommendation that Plaintiff file an accounting of damages that she believes are recoverable based on her claims. Accordingly, it is

ORDERED that the Recommendation of United States Magistrate Judge dated September 15, 2015 (ECF No. 24) is **AFFIRMED and ADOPTED**. It is

FURTHER ORDERED that the Clerk of Court shall enter judgment in Plaintiff's favor against Defendant Coast to Coast Financial Solutions, Inc. for violations of the Fair Debt Collection Practices Act. It is

FURTHER ORDERED that Plaintiff shall file with this Court an accounting of damages she believes are recoverable based on her claims, including damages, reasonable attorney's fees, and costs, pursuant to 15 U.S.C. § 1692k(a), **no later than Friday, November 20, 2015**.

Dated: October 21, 2015

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

Senior United States District Judge