

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-03418-CMA-MJW

JEREMYAH WOOLBRIGHT,

Plaintiff,

v.

C.O. WILSON,

Defendant.

**ORDER ADOPTING AND AFFIRMING JUNE 15, 2015 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to Magistrate Judge Michael J. Watanabe to conduct all motion proceedings pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). On June 15, 2015, Magistrate Judge Watanabe issued a Recommendation of Dismissal Based on Plaintiff's Failure to Prosecute and Failure to Serve. (Doc. # 28.) That 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 14 days after being served with a copy of the Recommendation. (Doc. # 28 at 3-4.) Despite that advisement, no objections to Magistrate Judge Watanabe's Recommendation were filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It 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.")).

After reviewing Magistrate Judge Watanabe's Recommendation, this Court is satisfied that it is sound and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(a). This Court agrees that this action should be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m) and D.C.COLO.LCivR 41.1 based upon Plaintiff's failure to serve Defendant and failure to prosecute.

Accordingly, it is hereby

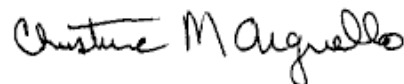
ORDERED that the Recommendation of United States Magistrate Judge Michael J. Watanabe (Doc. # 28), filed on June 15, 2015, is AFFIRMED and ADOPTED.

In accordance therewith, it is

FURTHER ORDERED that this action is dismissed without prejudice.

DATED: July 8, 2015

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge