

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

Civil Action No. 15-cv-1381-WJM-MJW

ALFRED MCZEAL,
MARK S. MILLER,
JAMILIEH MILLER,
MATTHEW D. HAYNIE,
NHUT HUY LE,
CHAI MISTY LE, and
LOFTON RYAN BURRIS,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC,
MIDSOUTH BANK, NA,
HREAL COMPANY, LLC,
MIDSOUTH BANK SHARES, INC.,
L. J. ANDELLE,
PHH MORTGAGE,
WELLS FARGO BANK, NA,
FEDERAL HOME LOAN MORTGAGE CORPORATION,
J.P. MORGAN CHASE BANK, NA,
US BANK, National Association as Trustee for Mortgage Pass through Certificates
Series 1998 R3, Mortgage Electronic Registration System,
DEUTSCH BANK NATIONAL TRUST COMPANY,
RBS FINANCIAL,
ALTISOURCE,
MACKIE, WOLF, ZIENTZ & MANN, P.C.,
SCHILLER & ADAM, P.A.,
HINSHAW & CULBERTSON, LLP,
MCCARTHY & HOLTHUS, LLP,
QUALITY LOAN SERVICES,
DOUGLAS A. TOLENO,
KENDRA WILEY,
SAMUEL R. COLEMAN,
ELLEN B. SILVERMAN, and
JAY L. ANGELLE,

Defendants.

ORDER ADOPTING AUGUST 27, 2015 RECOMMENDATION OF MAGISTRATE JUDGE, DISMISSING ALL PLAINTIFFS, DENYING DEFENDANT WELLS FARGO'S MOTION TO DISMISS AS MOOT, AND TERMINATING CASE

This matter is before the Court on the August 27, 2015 Recommendation of United States Magistrate Judge Michael J. Watanabe (the "Recommendation") (ECF No. 69) that: (1) Plaintiffs Alfred McZeal, Nhut Huy Le, Chai Misty Le, Lofton Ryan Burris, and Matthew Haynie be dismissed from this case pursuant to Federal Rules of Civil Procedure 16(f) (sanctions for failure to appear at a hearing and failure to follow court orders) and 41(b) (involuntary dismissal for failure to prosecute); and (2) that Defendants RBS Financial, L. J. Angelle, Altisource, Deutsche Bank National Trust Company, Douglas A. Tolen, Kendra Wiley, Mackie Wolf Zlantz & Mann, P.C., Ocwen Loan Servicing, LLC, HREAL Company, LLC, Schiller & Adam, P.A., Midsouth Bank Shares, Inc., Midsouth Bank, NA, US Bank, Mccarthy & Holthus, LLP, Mortgage Electronic Registration System, and Quality Loan Services be dismissed for lack of service under Rule 4(m) and lack of prosecution under Rule 41(b). 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. 69 at 5–6.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

The Court 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.").

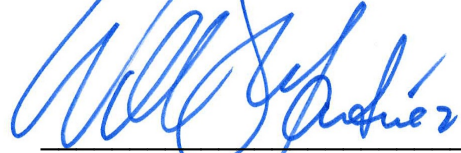
Combined with Plaintiffs Mark S. Miller's and Jamileh Miller's notice of voluntary dismissal (ECF No. 63), the effect of the Recommendation is to dismiss all plaintiffs, and therefore END this lawsuit.

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

1. The Magistrate Judge's Recommendation (ECF No. 69) is ADOPTED in its entirety;
2. Plaintiffs Mark S. Miller's and Jamileh Miller's notice of voluntary dismissal (ECF No. 63) is ACCEPTED;
3. Defendant Wells Fargo Bank, N.A.'s motion to dismiss (ECF No. 13) is DENIED AS MOOT; and
4. The Clerk shall enter final judgment against all Plaintiffs save for Mark S. Miller and Jamileh Miller in accordance with this Order, and shall terminate this case. The parties shall bear their own costs.

Dated this 15th day of September, 2015.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martínez", written over a horizontal line.

William J. Martínez
United States District Judge