

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

Civil Action No. 17-cv-02435-CMA-SKC

JOSE LUIS VASQUEZ,

Plaintiff,

v.

CAPINELLI,  
D. RUFINA,  
T. ANDING,  
SHUDER,  
JOHN DOE #1, and  
JOHN DOE #2,

Defendants.

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**ORDER AFFIRMING THE FEBRUARY 19, 2019 RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND GRANTING CERTAIN DEFENDANTS'  
MOTIONS TO DISMISS**

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This matter is before the Court on the Recommendation by United States Magistrate Judge S. Kato Crews (Doc. # 75), wherein he recommends that this Court grant Defendants Rufina Dumiye and Tamartha Anding's Motion to Dismiss (Doc. # 39) and Defendant Samuel Shuder's Motion to Dismiss (Doc. # 54) pursuant to Federal Rule of Civil Procedure 12(b)(6). 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 (14) days after being served with a copy of the Recommendation.

(Doc. # 75 at 12–13.) Despite this advisement, no objections to the Recommendation have been filed. “[T]he district court is accorded considerable discretion with respect to the treatment of unchallenged magistrate reports. 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).

After reviewing the Recommendation of Magistrate Judge Crews and all relevant pleadings and legal authority, the Court is satisfied that the Recommendation is sound and not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a).

Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 75) is AFFIRMED and ADOPTED. It is

FURTHER ORDERED that Defendants Dumiye and Anding’s Motion to Dismiss (Doc. # 39) is GRANTED. Defendant Dumiye and Anding are dismissed as defendants from this action. It is

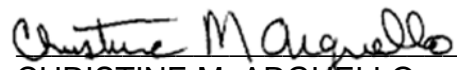
FURTHER ORDERED that Defendant Shuder’s Motion to Dismiss (Doc. # 54) is GRANTED. Defendant Shuder is dismissed as a defendant from this action.

The Court notes that this case was filed in October of 2017, see (Doc. # 1), yet Plaintiff has failed to serve process on Defendants Capinelli, John Doe # 1, and John Doe # 2. It is thus FURTHER ORDERED that Plaintiff shall SHOW CAUSE, in writing, on or before March 26, 2019, as to why the claims against Defendants Capinelli, John Doe # 1, and John Doe # 2 should not be dismissed and this action should not be

terminated. If Plaintiff does not show cause, in writing, on or before March 26, 2019, this action shall be terminated in its entirety.

DATED: March 12, 2019

BY THE COURT:

  
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CHRISTINE M. ARGUELLO  
United States District Judge