

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Philip A. Brimmer

Civil Action No. 17-cv-02595-PAB-SKC

CHESTER LEE RENEAU,

Plaintiff,

v.

MARY CARDINAS, in her individual capacity,
JUDY BRIZENDINE, in her individual capacity, and
DOCTOR LUIS CABILING, in his individual capacity,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation to Grant Motion to Dismiss for Failure to Prosecute [Docket No. 215]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 215; *see also* 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on March 7, 2023. No party has objected to the Recommendation.

In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. *See Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also 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."). In this matter, the Court has reviewed the Recommendation

to satisfy itself that there is “no clear error on the face of the record.”¹ Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is

ORDERED as follows:

1. Recommendation to Grant Motion to Dismiss for Failure to Prosecute [Docket No. 215] is **ACCEPTED**;

2. Defendant Mary Cardinas’ Motion to Dismiss, with Prejudice, for Failure to Prosecute [Docket No. 212] is **GRANTED**;

3. This case is dismissed, with prejudice, for failure to prosecute; and

4. This case is closed.

DATED March 27, 2023.

BY THE COURT:



PHILIP A. BRIMMER
Chief United States District Judge

¹ 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).