

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Daniel D. Domenico**

Civil Action No. 1:18-cv-01456-DDD-NYW

TORY HAMMOND,

Plaintiff,

v.

CLINTON WENHOLZ, and  
DEPUTY CARTELLI,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
RECOMMENDATION**

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Before the Court is the recommendation (Doc. 121) of United States Magistrate Judge Nina Y. Wang that the Court dismiss without prejudice Plaintiff Tory Hammond's complaint for failure to prosecute and deny as moot Defendants Clinton Wenholz and Deputy Cartelli's motion for summary judgment (Doc. 117). The recommendation states that objections to the recommendation must be filed within fourteen days after its service on the parties. (Doc. 121 at 6 n.3 (citing 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2)).) The recommendation was served on the parties on February 13, 2020, and no party has objected to the recommendation.

In the absence of a timely objection, the Court may review a magistrate judge's recommendation 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, 154 (1985)). In this matter, the Court has reviewed the recommendation to satisfy itself that there is "no clear error

on the face of the record.” Fed. R. Civ. P. 72(b) Advisory Committee Notes. The Court has reviewed the recommendation and the record, including the Magistrate Judge’s prior orders. Based on that review, the Court has concluded that the recommendation is a correct application of the facts and the law.

Accordingly, it is **ORDERED** that:

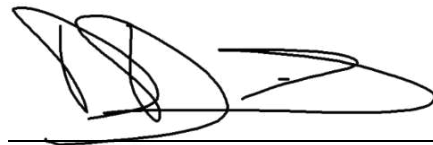
The Report and Recommendation (Doc. 121) is **ACCEPTED** and **ADOPTED**;

This case is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to this Court’s Local Civil Rule 41.1 for Plaintiff’s failure to prosecute, to comply with orders of the Court, and to comply with this Court’s Local Civil Rules; and

Defendants’ Motion for Summary Judgment (Doc. 117) is hereby **DE-NIED AS MOOT**.

DATED: February 28, 2020

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Daniel D. Domenico', written over a horizontal line.

Hon. Daniel D. Domenico