

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 1:19-cv-00106-RM-NYW

BRIAN BATH,

Plaintiff,

v.

TRANS UNION LLC,

Defendant.

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**ORDER**

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This matter is before the Court on the September 9, 2019, amended recommendation of United States Magistrate Judge Nina Y. Wang (ECF No. 190) to grant in part and deny in part Plaintiff's motion to dismiss this case without prejudice (ECF No. 184). The Court accepts the recommendation, and it 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. No party objected to the recommendation, and the time to do so has expired. "In the absence of a timely objection, the district court may review a magistrate judge's report under any standard it deems appropriate." *Summers v. State of Utah*, 927 F.3d 1165, 1167 (10th Cir. 1991).

The magistrate judge evaluated Plaintiff's motion and determined that it should be construed as unopposed and that the case should be dismissed without prejudice. But the magistrate judge also determined that Plaintiff's request that the Court "waive all Pacer fees,

past, present, and future" (ECF No. 184 at 2), should be denied due to Plaintiff's pattern of litigation in this District. The Court discerns no error with respect to the magistrate judge's analysis and agrees with her recommendation.

Therefore, the Court ACCEPTS and ADOPTS the recommendation (ECF No. 190) and GRANTS IN PART and DENIES IN PART the motion to dismiss this case without prejudice (ECF No. 184), as stated herein. The Court DENIES AS MOOT the magistrate judge's prior recommendation (ECF No. 188) and directs the Clerk to CLOSE this case.

DATED this 7th day of October, 2019.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge