

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

Civil Action No. 23-cv-00321-RM-SBP

LARISA FESMIRE,

Plaintiff,

v.

COLORADO SYMPHONY ASSOCIATION d/b/a Colorado Symphony Orchestra, Inc.,

Defendant.

---

**ORDER**

---

Before the Court is the Recommendation of United States Magistrate Judge Susan Prose (ECF No. 71) to terminate as moot Defendant's Renewed Motion to Dismiss for Failure to Prosecute (ECF No. 53).

The fourteen-day deadline for responding to the Recommendation has come and gone without a response from either party. "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. Utah*, 927 F.3d 1165, 1167 (10th Cir. 1991).

As outlined in the Recommendation, Plaintiff has responded to May 21, 2024, Order to Show Cause, which has been discharged. The Court discerns no clear error on the face of the record and concurs with the magistrate judge's assessment that proceedings in the case should resume and the Motion should be terminated. *See Gallegos v. Smith*, 401 F. Supp. 3d 1352,

1356-57 (D.N.M. 2019) (applying deferential review of the magistrate judge's work in the absence of any objection).

Therefore, the Court ACCEPTS the Recommendation (ECF No. 71), and the Motion (ECF No. 53) is DENIED AS MOOT.

DATED this 30th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
Senior United States District Judge