

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

Civil Action No. 1:20-cv-00724-RM-GPG

DARNELL LAMONT FUTCH,

Plaintiff,

v.

WILLIAM J. CAMPBELL,
AUBREY ELENIS, and
UNITED STATES OF AMERICA,

Defendants.

ORDER

This matter is before the Court on the recommendation of United States Magistrate Judge Gordon P. Gallagher (ECF No. 32) to grant Defendants' motions to dismiss (ECF Nos. 8, 14). The Court accepts and adopts the recommendation, which is incorporated into this order by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The recommendation advised Plaintiff that specific written objections were due within fourteen days after being served a copy of the recommendation. The deadline for responding to the recommendation has come and gone without a response from Plaintiff.

"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). Because Plaintiff is proceeding pro se, the magistrate judge liberally construed his pleadings. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). Nonetheless, the magistrate judge determined that Plaintiff's complaint is "unintelligible" and fails to show he is entitled to

relief, as required by Fed. R. Civ. P. 8. (ECF No. 32 at 4.) The magistrate judge further determined that the complaint is subject to dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

The Court concludes the magistrate judge's analysis was sound and discerns no clear error on the face of the record. Therefore, the Court GRANTS the motions to dismiss (ECF Nos. 8, 14) and directs the Clerk to CLOSE this case.

DATED this 5th day of October, 2020.

BY THE COURT:

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

RAYMOND P. MOORE
United States District Judge