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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

SANDEE SMITH,
Plaintiff,

vs.

HEWITT ASSOCIATES, L.L.C.,
Defendant.

No. CIV 12-780-TUC-CKJ

ORDER

On February 28, 2013, Magistrate Judge Bernardo P. Velasco issued a Report and Recommendation (Doc. 14) in which he recommended Defendant's Motion to Dismiss (Doc. 4) be granted. The Report and Recommendation advised the parties that, pursuant to 28 U.S.C. §636(b), Fed.R.Civ.P. 72(b)(2), and LRCiv 7.2(e), any party may serve and file written objections within fourteen (14) days after being served with a copy of the Report and Recommendation and also advised the parties that failure to file timely objections to any factual or legal determination of the Magistrate Judge may be deemed a waiver of the party's right to *de novo* review of the issues. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.) (*en banc*), *cert. denied*, 540 U.S. 900 (2003). As of this date, no objections have been filed.

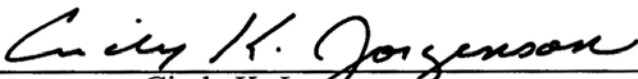
Accordingly, after an independent review, IT IS ORDERED:

1. The Report and Recommendation (Doc. 14) is ADOPTED.
2. Defendant's Motion to Dismiss (Doc. 4) is GRANTED.
3. This action is DISMISSED for failure to state a claim upon which relief may be granted.

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4. The Clerk of Court shall enter judgment and shall then close its file in this matter.

DATED this 20th day of March, 2013.


Cindy K. Jorgenson
United States District Judge