

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-01864-LTB-KLM

CHRISTINE SMALL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner, U.S. Social Security Administration,

Defendant.

ORDER

This case is before me on the Recommendation of the Magistrate Judge that Defendant's Motion to Dismiss for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1) (Doc 28) be granted. The Plaintiff has filed timely specific written objections to the Magistrate Judge's recommendation. Defendant has filed its response to the objections. I have therefore considered the recommendation *de novo* in light of the file and record in this case. On *de novo* review, I conclude that the recommendation is correct. Accordingly

IT IS ORDERED that Defendant's Motion to Dismiss (Doc 28) is GRANTED and the above action is DISMISSED.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: July 14, 2009