

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Case No. 08-cv-02223-WJM-BNB

INGRID M. CARTINELLE,  
PAMELA K. HELSPER,  
DWAIN BROWN, and  
JOHN F. NOBLE,

Plaintiffs,

v.

JANET NAPOLITANO, Secretary, DEPARTMENT OF HOMELAND SECURITY (DHS),  
and  
TRANSPORTATION SECURITY ADMINISTRATION (TSA),

Defendants.

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**ORDER ADOPTING AND AFFIRMING FEBRUARY 2, 2011 RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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This matter is before the Court on the February 2, 2011 Recommendation by the Magistrate Judge that (1) Defendant's Motion to Dismiss Plaintiffs Helsper and Brown's Tort Claims for Lack of Jurisdiction (Doc. # 54) and Defendant's Motion to Dismiss Plaintiffs Cartinelle and Noble's Tort Claims for Lack of Jurisdiction (Doc. # 63) be GRANTED and judgment enter in favor of the defendants on Claim Two; and (2) The caption be amended to reflect Janet Napolitano, Secretary of the Department of Homeland Security, as the only defendant. (Doc. # 88.) The Recommendation 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 (14) days after being served with a copy of the Recommendation.

(Doc. # 88 at 8.) Despite this advisement, no objections to the Magistrate Judge's Recommendation were filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

The Court concludes the Magistrate Judge's analyses and recommendations are correct and "there is no clear error on the face of the record." FED. R. CIV. P. 72 advisory committee's note. Therefore, the Court ADOPTS the Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is:

ORDERED that the Recommendation of the United States Magistrate Judge (Doc. # 88), filed February 2, 2011, is ACCEPTED, and, for the reasons cited therein,

- (1) Defendant's Motion to Dismiss Plaintiffs Helsper and Brown's Tort Claims for Lack of Jurisdiction (Doc. # 54) and Defendant's Motion to Dismiss Plaintiffs Cartinelle and Noble's Tort Claims for Lack of Jurisdiction (Doc. # 63) is GRANTED. The Court will enter judgment in favor of Defendants on Claim Two; and
- (2) The caption shall be amended to reflect Janet Napolitano, Secretary of the Department of Homeland Security, as the only defendant.

Dated February 25, 2011.

BY THE COURT:

s/ William J. Martínez  
United States District Judge