

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-02301-REB-KMT

DEBRA FRANKLIN,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the **Recommendation of a United States Magistrate Judge** [#40] filed May 12, 2010. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of a United States Magistrate Judge** [#40] filed May 12, 2010, is **APPROVED AND ADOPTED** as an order of this court;

¹ This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

2. That **Defendant Medtronic, Inc.'s Motion for Summary Judgment** [#26] filed March 4, 2010, is **GRANTED**;

3. That plaintiff's claims against defendant are **DISMISSED WITH PREJUDICE**;

4. That the Trial Preparation Conference, currently scheduled for **Friday, December 17, 2010 at 10:00 a.m.**, as well as the trial, currently scheduled to commence on **Monday, January 3, 2011**, are **VACATED**;

5. That judgment **SHALL ENTER** on behalf of defendant, Medtronic, Inc., against plaintiff, Debra Franklin, as to all claims for relief and causes of action asserted in this action; and

6. That defendant is **AWARDED** its costs, to be taxed by the Clerk of the Court pursuant to Fed.R.Civ.P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated June 22, 2010, at Denver, Colorado.

BY THE COURT: .



Robert E. Blackburn
United States District Judge