

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

Civil Case No. 10-cv-00214-REB-CBS

LYNDA TRAVIS, f/k/a LYNDA HERRERA,

Plaintiff,

v.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA,

Defendant.

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**ORDER DISMISSING COMPLAINT**

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**Blackburn, J.**

This matter is before the court *sua sponte*. On September 27, 2010, I entered an order [#27]<sup>1</sup> granting the defendant's motion to dismiss. In that order, I provided, *inter alia*, that the plaintiff may file and amended complaint on or before October 20, 2010. *Order* [#27], p. 5. I directed further that, absent the timely filing of an amended complaint, this case shall be dismissed. *Id.* To date, the plaintiff has not filed an amended complaint. At the status conference held on October 15, 2010, the plaintiff stated that she will not be filing an amended complaint. *Minutes* [#30], filed October 15, 2010.

As I concluded in my September 27, 2010, order, the plaintiff has not stated any viable claims against the defendant. The plaintiff has not amended and does not intend to amend her complaint to state any viable claims. Therefore, the complaint and this

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<sup>1</sup> “[#27]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.


case must be dismissed under FED. R. CIV. P. 12(b)(6).

**THEREFORE, IT IS ORDERED** as follows:

1. That this case is **DISMISSED** with prejudice;
2. That **JUDGMENT SHALL ENTER** in favor of the defendant, the Board of County Commissioners of the County of Mesa, and against the plaintiff, Lynda Travis, f/k/a Lynda Herrera;
4. That the defendant is **AWARDED** its costs to be taxed by the Clerk of the Court under FED. R. CIV. P. 54(d)(1) and D.C.COLO.LCivR 54.1; and
5. That this case is **CLOSED**.

Dated December 29, 2010, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge