

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 10-cv-288-WDM-KMT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

SEARS, ROEBUCK AND CO.,

Defendant.

ORDER ON RECOMMENDATION OF MAGISTRATE JUDGE

Miller, J.

This matter is before me on the recommendation of Magistrate Judge Kathleen M. Tafoya issued June 8, 2010 (Docket No. 36), concerning the Application for an Order to Show Cause Why an Administrative Subpoena Should Not Be Enforced (Docket No. 1), and Memorandum in Support of Application for an Order to Show Cause Why an Administrative Subpoena Should Not Be Enforced (Docket No. 2), and Respondent's Response to Application for an Order to Show Cause Why an Administrative Subpoena Should Not Be Enforced (Docket No. 11).

Plaintiff has not objected to this recommendation and is not entitled to *de novo* review. 28 U.S.C. § 636(b).

I have reviewed the recommendation and agree with its analysis.

Accordingly, it is ordered:

1. The recommendation issued June 8, 2010, by Magistrate Judge Tafoya is

accepted.

2. The Equal Employment Opportunity Commission Administrative Subpoena directed to Sears, Roebuck Co. shall be revised and limited as follows:

- a. The subpoena should be limited, at this time, to ten stores in District 175; and
- b. the subpoena should omit any requests seeking national origin information.

DATED at Denver, Colorado, this 6th day of July, 2010.

BY THE COURT



Walker D. Miller
Senior United States District Judge