

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Zita Leeson Weinshienk

Civil Action No. 10-cv-00323-ZLW-CBS

ELIZABETH L. HARTLEY,

Plaintiff,

v.

DEPARTMENT OF AGRICULTURE, Forest Service Agency,  
TOM J. VILSACK, Secretary, and  
PATTY BILLS, Office Mgr.,

Defendants.

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**ORDER**

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The matter before the Court is Defendants' Motion To Dismiss Third Amended Complaint (Doc. No. 33). This motion was referred to Magistrate Judge Craig B. Shaffer pursuant to D.C.COLO.LCivR 72.1C. On November 29, 2010, the Magistrate Judge issued his Recommendation that the motion be granted. (Doc. No. 37). On December 10, 2010, Plaintiff filed a request for a 60-day extension of time to respond to the Recommendation. (Doc. No. 38). The Magistrate Judge granted the request, expressly ordering that any objection to the Recommendation must be filed on or before February 22, 2011. (Doc. No. 40). The Order granting the request for extension was mailed to Plaintiff at her address of record. No party has filed objections to the Recommendation.

Having reviewed the record and the thorough and well-reasoned Recommendation, the Court is satisfied “that there is no clear error on the face of the record.”<sup>1</sup> Accordingly, the Court accepts and adopts the Recommendation in its entirety, and it is

ORDERED that Defendants’ Motion To Dismiss Third Amended Complaint (Doc. No. 33) is granted. It is

FURTHER ORDERED that this action is dismissed with prejudice, the parties to pay their own costs and attorney’s fees. It is

FURTHER ORDERED that a separate judgment shall issue pursuant to Fed. R. Civ. P. 58(a).

DATED at Denver, Colorado, this 23rd day of February, 2011.

BY THE COURT:

A handwritten signature in blue ink that reads "Zita Leeson Weinsienk". The signature is written in a cursive style.

ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court

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<sup>1</sup>See Fed. R. Civ. P. 72(b) advisory committee’s note; Summer v. Utah, 927 F.2d 1165, 1167 (10<sup>th</sup> Cir. 1991); Thomas v. Arn, 474 U.S. 140, 150 (1985).