

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-01886-WJM-KMT

FRANCES M. OWENS,

Plaintiff,

v.

PATRICK R. DONAHOE, Postmaster General,

Defendant.

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**FINAL JUDGMENT**

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PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the orders entered in this case, FINAL JUDGMENT is entered.

I. Pursuant to the Order on Defendant's Motion to Dismiss (ECF No. 53) entered by Judge William J. Martinez on December 12, 2011, which order is incorporated by reference, it is

ORDERED that Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) (ECF No. 26) is GRANTED IN PART AND DENIED IN PART. It is

FURTHER ORDERED that Plaintiff's Title VII harassment claim is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 12(b)(1) for failure to exhaust administrative remedies. It is

FURTHER ORDERED that Plaintiff's Title VII retaliation claim is DISMISSED WITH PREJUDICE under Fed. R. Civ. P. 12(b)(6) for failure to state a plausible claim. It is

FURTHER ORDERED that to the extent Plaintiff intended to bring a Title

VII race discrimination claims based on any adverse employment actions other than Plaintiff's non-selection for the Strategic Account Manager (EAS-23) position on August 24, 2009; the non-selection for the Shipping Solutions Specialist (EAS-23) on October 6, 2009; and the assignment as a Business Solutions Specialist on October 10, 2009, those claims are DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 12(b)(1) for failure to exhaust administrative remedies. It is

FURTHER ORDERED that to the extent Plaintiff intended to bring discrimination claims on any ground other than race, those claims are DISMISSED WITH PREJUDICE under Fed. R. Civ. P. 12(b)(6) for failure to state a claim.

II. Pursuant to the Order Granting Defendant's Motion for Summary Judgment (ECF No. 78) entered on December 21, 2012 it is

ORDERED that Defendant's Motion for Summary Judgment (ECF No. 68) is GRANTED. It is

FURTHER ORDERED that judgment shall enter against Plaintiff and in favor of Defendant on all of Plaintiff's race discrimination claims. It is

FURTHER ORDERED that costs shall be taxed against Plaintiff.

Dated at Denver, Colorado this 28th day of December, 2012.

BY THE COURT:  
JEFFREY P. COLWELL, CLERK

s/Edward P. Butler

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Edward P. Butler, Deputy Clerk