

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

Civil Case No. 10-cv-02759-REB-BNB

DARLEAN WOODS,

Plaintiff,

v.

COMFORT DENTAL EAST AURORA, a Colorado profit corporation,

Defendant.

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

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**Blackburn, J.**

The matter before me is the **Recommendation of United States Magistrate Judge** [#67]<sup>1</sup> filed April 25, 2012. 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 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no such error in the 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 United States Magistrate Judge** [#67] filed April 25, 2012, is **APPROVED AND ADOPTED** as an order of this court;
2. That **Defendant's Motion for Summary Judgment** [#29] filed December 30, 2011,

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<sup>1</sup> “[#67]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

<sup>2</sup> This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. In addition, because plaintiff is proceeding *pro se*, I have construed her pleadings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. *See Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10<sup>th</sup> Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10<sup>th</sup> Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

is **GRANTED**;

3. That plaintiff's claims for race and gender discrimination based on receipt of a written warning from defendant on June 18, 2009, are **DISMISSED WITH PREJUDICE**;


4. That judgment **SHALL ENTER** on behalf of defendant Comfort Dental East Aurora, a Colorado profit corporation, against plaintiff Darlean Woods on plaintiff's claims for race and sex discrimination based on receipt of a written warning from defendant on June 18, 2009; provided, that the judgment as to this claims shall be with prejudice;

5. That judgment also **SHALL ENTER** on behalf of defendant Comfort Dental East Aurora, a Colorado profit corporation, and former defendants James Parfitt, Matthew Carlson, Jeffrey Varner, and Richard Doerhoff, individually and in their capacities as supervisors, against plaintiff Darlean Woods on the other claims asserted in plaintiff's **Complaint** [#2], filed November 11, 2011, as set forth in my **Order Adopting Recommendation of the United States Magistrate Judge** ¶ 4 at 2-3 [#17] filed August 26, 2011; and

6. That defendants are **AWARDED** their 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 May 24, 2012, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge