

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-00439-CMA-KMT

BERNARD KENNETH RIVERS, JR.,

Plaintiff,

v.

NATALEE PEARLINE HEWITT,

Defendant.

**ORDER ADOPTING AND AFFIRMING APRIL 4, 2011 RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Kathleen M. Tafoya pursuant to 28 U.S.C. § 636. On April, 4 2011, the Magistrate Judge issued a Report and Recommendation. The Magistrate Judge recommended that Plaintiff's Complaint be dismissed, without prejudice, for lack of subject matter jurisdiction. (Doc. # 11.) Plaintiff, proceeding *pro se*, filed objections to the Report and Recommendation. (Doc. # 12.)

This Court has conducted a *de novo* review of this matter. Plaintiff fails to raise any new issues of law or fact warranting a result different from that reached by the Magistrate Judge in her Recommendation. Instead, Plaintiff merely contends, without support, that this Court has subject-matter jurisdiction. The domestic relations exception divests federal courts of the power to issue child custody decrees. *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992). Plaintiff seeks custody of

a child. Thus, as the Magistrate Judge found, this Court does not have subject-matter jurisdiction over this case.

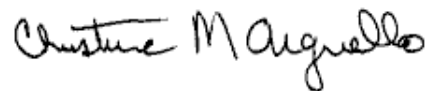
Based on this *de novo* review, the Court concludes that the Magistrate Judge's analyses and recommendations are correct. Therefore, the Court hereby ADOPTS the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ORDERED:

- 1) That Defendant's motion to dismiss (Doc. # 3) and Plaintiff's "Motion for Summary Judgment" (Doc. # 7) are DENIED AS MOOT; and
- 2) That this case is DISMISSED WITHOUT PREJUDICE, for lack of subject-matter jurisdiction.

DATED: April 08, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge