

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge R. Brooke Jackson

Civil Action No. 11-CV-2542-RBJ-KMT

BEVERLY J. PRICE,

Plaintiff,

v.

CENTURYTEL OF COLORADO, INC., d/b/a Century Link, f/k/a QWEST  
COMMUNICATIONS COMPANY, LLC,

Defendant.

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ORDER

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This matter is before the Court on the February 14, 2013 Recommendation of Magistrate Judge Kathleen M. Tafoya [docket #27]. As relevant here, the Recommendation addresses defendant's Motion to Dismiss Pursuant to Fed. R. Civ. Pro. 12(b)(6) [#13]. The Recommendation is incorporated herein by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

The Recommendation advised the parties that specific written objections were due within fourteen (14) days after being served with a copy of the Recommendation. Despite this advisement, no objection to Magistrate Judge Tafoya's Recommendation was filed by either party. "In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de*

*novo* or any other standard, when neither party objects to those findings.”)).

The Court has reviewed the relevant pleadings concerning the Recommendation. Based on this review, the Court concludes that the Magistrate Judge’s analyses and recommendations are correct, and that “there is no clear error on the face of the record.” Fed. R. Civ. P. 72 advisory committee’s note. Therefore, the Court ADOPTS the Recommendation as the findings and conclusions of this Court.

**Order**

1. The Recommendation of United States Magistrate Judge [#27] is ADOPTED.
2. Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. Pro. 12(b)(6) [#13] is GRANTED. The first and second claims are dismissed for failure to state a claim on which relief could be granted. They are barred by the statute of limitations. The third and fourth claims asserted in the complaint were withdrawn by the plaintiff. *See* Response [#17] at ¶¶22-23. Therefore, this civil action is dismissed with prejudice.
3. As the prevailing party, defendant is awarded its reasonable costs pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED this 11th day of March, 2013.

BY THE COURT:



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R. Brooke Jackson  
United States District Judge