

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

Civil Action No. 12-cv-00365-RBJ-KMT

CHRISTINE M. VINCENT,

Plaintiff,

v.

VAIL HONEYWAGON,

Defendant.

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ORDER

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This matter is before the Court on the February 11, 2013 Order and Recommendation of Magistrate Judge Kathleen M. Tafoya [docket #32]. The Recommendation addresses defendants' Motion to Dismiss [#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 Mix's Recommendation was filed by either party. "In the absence of timely objection, the district court may review a magistrate . . . [judge'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) (stating that "[i]t 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.

**Order**

1. The Court ADOPTS the Recommendation of The United States Magistrate Judge [#32] as the findings and conclusions of this Court.
2. Motion #13 is GRANTED. This case is dismissed with prejudice. As the prevailing party defendant is awarded its reasonable costs pursuant to Fed. R. Civ. P. 54(d)(10) and D.C.COLO.LCivR 54.1.

DATED this 11<sup>th</sup> day of March, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", with a long, sweeping flourish extending to the right.

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R. Brooke Jackson  
United States District Judge