

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 12-cv-0821-WJM-BNB

FRANCES RILEY,

Plaintiff,

v.

JP MORGAN CHASE BANK N.A., and,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,

Defendants.

**ORDER ADOPTING DECEMBER 7, 2012 RECOMMENDATION OF THE
MAGISTRATE JUDGE AND GRANTING DEFENDANT MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.'S MOTION TO DISMISS**

This matter is before the Court on the December 7, 2012 Recommendation of United States Magistrate Judge Boyd N. Boland (the "Recommendation") (ECF No. 23) that Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss (ECF No. 9) be granted. The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) any party may serve and file written objections to the Magistrate Judge's proposed findings and recommendations with the Clerk of the United States District Court for the District of Colorado within fourteen days after service of a copy of the Recommendation. No objections to the Magistrate Judge's Recommendation have to date been filed by either party.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); see also *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) ("In the absence of timely objection, the district court may review a magistrate's report under any standard it deems appropriate.").

In accordance with the foregoing, the Court ORDERS as follows:

1. The Magistrate Judge's Recommendation (ECF No. 23) is ADOPTED in its entirety;
2. Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss (ECF No. 9) is GRANTED;
3. Plaintiff's claims against Defendant Mortgage Electronic Registration Systems, Inc. are hereby DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted; and
4. Defendant's request for an award of costs and attorney fees contained within the Motion to Dismiss is DENIED WITHOUT PREJUDICE as premature.

Dated this 15th day of January, 2013.

BY THE COURT:



William J. Martínez
United States District Judge