

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 12-cv-02383-RM-MJW

TEWODROS G. JEMANEH,

Plaintiff,

v.

THE UNIVERSITY OF WYOMING,  
THE UNIVERSITY OF WYOMING COLLEGE OF HEALTH SCIENCES,  
THE UNIVERSITY OF WYOMING SCHOOL OF PHARMACY,  
TOM BUCHANAN, in his official and individual capacity,  
NELL RUSSELL, in her official and individual capacity,  
JOSEPH F. STEINER, in his official and individual capacity,  
DAVID L. JONES, in his official and individual capacity,  
JOHN H. VANDEL, in his official and individual capacity,  
BEVERLY A. SULLIVAN, in her official and individual capacity,  
JAIME R. HORNECKER,  
JANELLE L. KRUEGER, in her official and individual capacity,  
CARA A. HARSHBERGER, in her official and individual capacity,  
AMY L. STUMP, in her official and individual capacity,  
AGATHA CHRISTIE NELSON, in her official and individual capacity,  
KATHLEEN A. THOMPSON, in her official and individual capacity, and  
MARIA A. BENNET, in her official and individual capacity,

Defendants.

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**ORDER ADOPTING APRIL 10, 2013 RECOMMENDATION  
OF THE MAGISTRATE JUDGE (ECF No. 71) AND  
GRANTING IN PART DEFENDANTS' MOTION TO DISMISS (ECF No. 49)**

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THIS MATTER is before the Court on the April 10, 2013 Recommendation (“Recommendation”) of United States Magistrate Judge Michael J. Watanabe (“Magistrate Judge”) (ECF No. 71) that Defendants’ Motion to Dismiss (ECF No. 49) be granted in part. 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 days after being served with a copy of the Recommendation. (ECF No. 71.) No objections to the Recommendation have to date been filed by any party.

The Court concludes that the Magistrate Judge's analysis was thorough and sound, and that there is no clear error of law or abuse of discretion. *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,

**IT IS ORDERED** that:

1. The Magistrate Judge's Recommendation (ECF No. 71) is **ADOPTED** in its entirety and made an order of this Court; and
2. The Defendants' Motion to Dismiss (ECF No. 49) is **GRANTED IN PART** as follows:
  - a. Plaintiff's Claims 1, 2, 3, 6, 9, 10, and 11 are dismissed against Defendants the University of Wyoming, the University of Wyoming College of Health Sciences, and the University of Wyoming School of Pharmacy;
  - b. Plaintiff's Claims 1, 2, 3, 6, 9, 10, and 11 are dismissed against all remaining Defendants but only in their official capacities; and
  - c. Plaintiff's Claim 12 is dismissed against all Defendants.

DATED this 30<sup>th</sup> day of May, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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Raymond P. Moore  
United States District Judge