

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 12-cv-02496-REB-MJW

EPIAH BHOMENGO,

Plaintiff,

v.

HOSPITAL SHARED SERVICES, INC., aka HSS, Inc.,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

This matter is before me on the following: (1) the **Defendant's Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure** [#13]¹ filed October 29, 2012; and (2) the corresponding **Recommendation on Defendant's Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Docket No. 13)** [#26] filed January 4, 2013. No objections to the recommendation have been filed. I approve and adopt the recommendation and grant the motion to dismiss.

No objections to the recommendation were filed. Thus, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005). As detailed in the recommendation [#26], the plaintiff's claim is time barred, and there is no basis established in the record to apply equitable tolling.

¹ "[#13]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

As a result, the plaintiff's complaint must be dismissed. The conclusions and recommendation of the magistrate judge are correct and circumstantiated. Finding no error, much less plain error, in the disposition recommended by the magistrate judge, I find and conclude that the recommendation should be approved and adopted as an order of this court.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation on Defendant's Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Docket No. 13) [#26]** filed January 4, 2013, is **APPROVED** and **ADOPTED** as an order of this court;

2. That the **Defendant's Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure [#13]** filed October 29, 2012, is **GRANTED**;

3. That under FED. R. CIV. P. 12(b)(6), the plaintiff's complaint [#1] is **DISMISSED**;

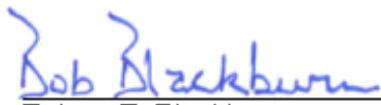
4. That judgment **SHALL ENTER** in favor of the defendant, Hospital Shared Services, Inc. aka HSS, Inc., against the plaintiff, Epiah Bhomengo, on all claims for relief and causes of action asserted in this case;

5. That the defendant is **AWARDED** its costs to be taxed by the clerk of the court in the time and manner prescribed by Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1; and

6. That this case is **CLOSED**.

Dated April 23, 2013, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge