

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

Civil Action No. 12-cv-2645-WJM-BNB

MONITA MCKINNEY,

Plaintiff,

v.

ONEWEST BANK, FSB,

Defendant.

**ORDER ADOPTING JUNE 13, 2013 RECOMMENDATION OF MAGISTRATE JUDGE
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

This matter is before the Court on the June 13, 2013 Recommendation of United States Magistrate Judge Boyd N. Boland (the "Recommendation") (ECF No. 33) that Defendant's Motion to Dismiss for Failure to State a Claim Pursuant to F.R.C.P. 8(a), 9(b) and 12(b)(6) (ECF No. 11) be granted. 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. 33 at 5 n.4.) Despite this advisement, no objections to the Magistrate Judge's Recommendation have to date been received.

The Court concludes that the Magistrate Judge's analysis was 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. 33) is ADOPTED in its entirety;
- (2) Defendant’s Motion to Dismiss (ECF No. 11) is GRANTED; and
- (3) The above captioned matter is DISMISSED WITH PREJUDICE pursuant to F.R.C.P. 8(a), 9(b), and 12(b)(6); and
- (4) The Clerk shall close the case. Each party shall bear her or its own costs

Dated this 8th day of July, 2013.

BY THE COURT:



William J. Martinez
United States District Judge