

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv235

MARY KAUTZ,)
)
 Plaintiff,)
)
 vs.)
)
 TRUSTEES OF HAYWOOD)
 COMMUNITY COLLEGE, and)
 ROSE HARRELL JOHNSON,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 5].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this Motion and to submit recommendations for its disposition.

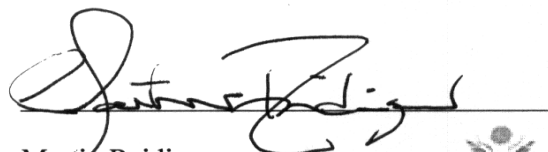
On January 4, 2011, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 9] in which he recommended denying the motion to dismiss without prejudice. The parties were advised that any objections to

the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 2]. The period within which to file objections expired on January 21, 2011 and no written objections to the Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

IT IS, THEREFORE, ORDERED that the Defendants' Motion to Dismiss [Doc. 5] is hereby **DENIED** without prejudice.

Signed: January 24, 2011


Martin Reidinger
United States District Judge

