

**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. 13].

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

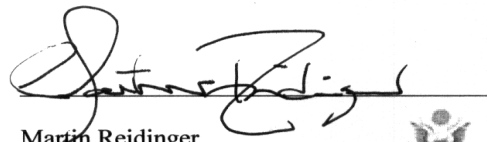
On March 31, 2011, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended granting the motion to dismiss. [Doc. 22]. The parties were advised that any objections to the Magistrate

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 8]. The period within which to file objections expired on April 18, 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. 13] is hereby **GRANTED** and all claims against the Defendants are hereby **DISMISSED** with the exception of the Plaintiff's claim alleging a violation of the Family and Medical Leave Act and/or claims against Defendant Johnson in her individual capacity pursuant to 42 U.S.C. §1983.

Signed: May 10, 2011



Martin Reidinger
United States District Judge

