

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 18-cv-02529-CMA-NYW

BRIANNA ZAPATA,

Plaintiff,

v.

COLORADO CHRISTIAN UNIVERSITY,  
JOANNIE DEBRITO, individually and in her official capacity as Director of Counseling at  
Colorado Christian University, and  
SHARON FELKER, individually and in her official capacity as Dean of Student Life at  
Colorado Christian University,

Defendants.

---

**ORDER AFFIRMING THE MARCH 15, 2019 RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION TO DISMISS**

---

This matter is before the Court on the Recommendation by United States Magistrate Judge Nina Y. Wang (Doc. # 35), wherein she recommends that this Court grant in part and deny in part Defendants Colorado Christian University, Joannie DeBrito, and Sharon Felker's Motion to Dismiss (Doc. # 24) pursuant to Federal Rule of Civil Procedure 12(b)(6). 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 (14) days after being served with a copy of the Recommendation. (Doc. # 35 at 16 n.4.) Despite this advisement, no objections to the Recommendation

have been filed. “[T]he district court is accorded considerable discretion with respect to the treatment of unchallenged magistrate reports. In the absence of timely objection, the district court may review a magistrate [judge’s] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991).

After reviewing the Recommendation of Magistrate Judge Wang and all relevant pleadings and legal authority, the Court is satisfied that the Recommendation is sound and not clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a).

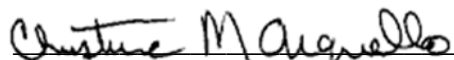
Accordingly, it is ORDERED that the Recommendation of the United States Magistrate Judge Wang (Doc. # 35) is AFFIRMED and ADOPTED. It is

FURTHER ORDERED that Defendants’ Motion to Dismiss (Doc. # 24) is GRANTED IN PART to the extent they seek dismissal of Plaintiff Brianna Zapata’s Third Claim for Relief. Plaintiff’s Third Claim for Relief is DISMISSED WITH PREJUDICE. Plaintiff’s First, Second, and Fourth Claims for Relief against Defendants survive. It is

FURTHER ORDERED that Defendants’ Motion to Dismiss (Doc. # 24) is DENIED IN PART to the extent they request attorneys’ fees.

DATED: April 9, 2019

BY THE COURT:

  
CHRISTINE M. ARGUELLO  
United States District Judge