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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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ROBERT NEIL GOODE,

Plaintiff,

v.

ONEWEST BANK FSB, INDYMAC  
MORTGAGE SERVICES INC, ETITLE  
INSURANCE AGENCY,

Defendants.

MEMORANDUM DECISION and  
ORDER ADOPTING REPORT  
AND RECOMMENDATION

Case No. 2:12-CV-815-DN-EJF

District Judge David Nuffer


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Before the court is the Report and Recommendation (R & R) issued by United States Magistrate Judge Evelyn Furse recommending that the district court dismiss Mr. Goode's complaint without prejudice and allow him to amend his complaint.<sup>1</sup> The parties were provided notice that they had a right to timely object to the R & R,<sup>2</sup> and no objections were filed.

Having carefully reviewed the record, the court APPROVES AND ADOPTS the recommendation to dismiss the complaint filed on August 22, 2012 without prejudice. Mr. Goode is GRANTED leave to amend his complaint to "meet the requirements for pleadings set forth in the Federal Rules of Civil Procedure and contain enough allegations of fact, taken as true, to state a claim to relief that is plausible on its face."<sup>3</sup> Mr. Goode shall file his amended complaint on or before May 29, 2013.

Signed May 14, 2013.

BY THE COURT



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District Judge David Nuffer

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<sup>1</sup> Report and Recommendation at 3, docket no. 21, filed April 25, 2013.

<sup>2</sup> *Id.* at 4.

<sup>3</sup> *Id.* at 3 (internal quotations and citations omitted).