

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

| | | |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | Case No. CV07-282-S-EJL |
| Plaintiff, |) | |
| |) | ORDER ON REPORT AND |
| vs. |) | RECOMMENDATION |
| |) | |
| CONLY HOBSON, et al, |) | |
| |) | |
| Defendants. |) | |

Defendants have filed numerous motions which have been referred to United States Magistrate Judge Candy W. Dale. On July 7, 2009, Magistrate Judge Dale issued a Report and Recommendation, recommending that the Court deny all the Defendants' motions.

Standards

Any party may challenge a magistrate judge's proposed recommendation regarding a dispositive motion by filing written objections within ten days after being served with a copy of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the magistrate. *Id.*; see also Fed. R. Civ. P. 72(b).

Discussion

Defendants filed a Response to the Report and Recommendation that the Court will treat as objections. Having reviewed this submission, the Court finds that the arguments raised therein are without merit and fail to address the reasons for denial of the motions as outlined by the magistrate judge. Therefore, after a *de novo* review, the Court will adopt the magistrate judge's Report and Recommendation. See Wang v. Masaitis, 416 F.3d 992, 1000 & n.13 (9th Cir. 2005).

ORDER

Having conducted a de novo review, this Court finds that Judge Dale's report and recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendations of Magistrate Judge Dale, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on July 7, 2009 (docket no. 58) shall be **INCORPORATED** by reference and **ADOPTED** in its entirety, and **IT IS THEREFORE ORDERED** that:

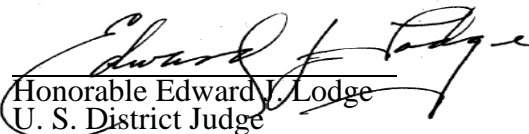
1. Defendants' Objection to Complaint for Lack of Ratification of Commencement and Petition to Dismiss Pursuant to FRCP Rule 17(a), Real Party in Interest, With Affidavit in Support (Docket No. 45) is **DENIED**;

2. Defendants' Verified Notice of Non Response and Motion to Dismiss for Failure to Ratify (Docket No. 48) is **DENIED**; and

3. Defendants' Motion to Dismiss for Failure to Respond and Affidavit in Support (Docket No. 54) is **DENIED**.

DATED: July 28, 2009




Honorable Edward J. Lodge
U. S. District Judge