

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BRIAN FEES,

Plaintiff,

vs.

FORD MOTOR CREDIT COMPANY,

Defendant.

)
) Case No. CV07-389-S-EJL

) ORDER ADOPTING REPORT
) AND RECOMMENDATION

On September 18, 2008, United States Magistrate Judge Larry M. Boyle issued a Report and Recommendation, recommending that the parties’ cross-motions for summary judgment be denied and the matter be remanded to state court. Any party may challenge a Magistrate Judge’s proposed recommendation regarding by filing written objections within ten days after being served with a copy of the magistrate’s 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).

Neither side has filed objections to the report and recommendation. The Court has reviewed the report and recommendation in light of the parties briefing on the motions for summary judgment and finds that the Magistrate Judge identified the correct legal standards and properly applied those standards to the record. (Docket No. 37). Moreover, this Court is in agreement with the Magistrate Judge’s analysis and conclusions and will adopt the report and recommendation in its entirety.

ORDER

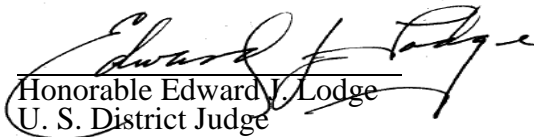
Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Magistrate Judge Larry M. Boyle's Report and Recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Magistrate Judge Boyle, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on September 18, 2008, (Docket No. 37), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE IT IS HEREBY ORDERED as follows:

- 1) Defendant's Motion for Summary Judgment (Docket No. 16) is **DENIED**.
- 2) Plaintiff's Motion for Summary Judgment (Docket No. 20) is **DENIED**.
- 3) The Case is **REMANDED** to the Third Judicial District of the State of Idaho, In and For the County of Canyon, as Case Number CV07-8694.

DATED: **October 17, 2008**




Honorable Edward J. Lodge
U. S. District Judge