



1987). Having done so, the Court is in agreement with the recommendations of Magistrate Judge Bush and will adopt the same.

### **ORDER**

Because the Court finds the Report and Recommendation of Magistrate Judge Bush to be well founded in law, the Court hereby accepts in their entirety, and adopts as its own, the findings made by Magistrate Judge Bush. (Dkt. No. 7). Acting on the recommendation of Magistrate Judge Bush, and this Court being fully advised in the premises,

**IT IS HEREBY ORDERED** as follows:

- 1) the minor children Plaintiffs are **DISMISSED WITHOUT PREJUDICE**;
- 2) the following named Defendants are **DISMISSED WITHOUT PREJUDICE**: Cary B. Colaianni, City Attorney; Jim A. Birdsall, Boise City Housing and Development Manager; Tami Dodel, Boise City Housing Property Manager; David H. Beiter, Mayor; David Eberle, Councilperson; Alan Shealy, Councilperson; and Jim Tibbs, Councilperson; and
- 3) the criminal claims are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Plaintiff shall file a pleading within ten (10) days of his receipt of this Order with a physical address for each of the remaining named Defendants. Upon receipt of the physical addresses, the Clerk of the Court shall send the waiver of service of summons form, a copy of the Complaint, a copy of the Report and Recommendation, and a copy of this Order, in compliance with Federal Rule of Civil Procedure 4(d),<sup>1</sup> to said Defendants. If the Defendants do not return the waiver within thirty (30) days, the Clerk of the Court is instructed to provide a Summons and the Complaint to the United States Marshal Service for personal service on those Defendants.

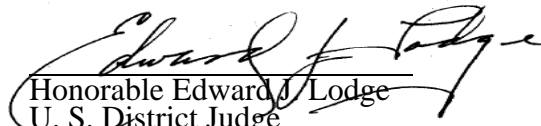
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<sup>1</sup> Under the Waiver procedure, a defendant has thirty (30) days to sign and return the Waiver. If the defendant actually signs and returns the Waiver, then he or she has an additional sixty (60) days to file an answer.

**IT IS FURTHER ORDERED** that the Plaintiff shall not attempt to conduct discovery until the Defendants have filed an answer in this case, at which time the Plaintiff may begin discovery through Defendants' counsel of record.

DATED: **October 2, 2009**



  
Honorable Edward J. Lodge  
U. S. District Judge