

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARK STEPHEN WICKLUND,

Plaintiff,

v.

JAMES F. PAGE, an individual, dba
ASCERTAIN POLYGRAPH
SERVICES, dba TREASURE VALLEY
POLYGRAPH, and IDAHO
DEPARTMENT OF CORRECTIONS,

Defendants.

Case No. 1:09-CV-00671-EJL-CWD

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On January 27, 2011, United States Chief Magistrate Judge Candy W. Dale issued a Report and Recommendation, recommending that Defendant Idaho Department of Correction's ("IDOC") Motion for Summary Judgment be granted. 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 Judges'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 Judge. *Id.*; *see also* Fed. R. Civ. P. 72(b). No objections to the report and recommendation were filed. The Court has reviewed the Report and Recommendation, the

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parties' briefing on the Motion, briefing, and the entire record in this matter. Based upon this review, the Court finds the Report and Recommendation has correctly decided the Motion.

ORDER

Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Chief Magistrate 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 recommendation of Chief Magistrate Judge Dale's, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on January 27, 2011, (Dkt. 43), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE, IT IS HEREBY ORDERED that Defendant Idaho Department of Correction's Motion for Summary Judgment (Dkt. 35) is **GRANTED**. Defendant shall prepare an appropriate form of judgment for entry by the Court and submit the same to the Court's proposed orders email box, EJL_Orders@id.uscourts.gov, no later than August 15, 2011.



DATED: August 2, 2011

A handwritten signature in black ink that reads "Edward J. Lodge". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable Edward J. Lodge
U. S. District Judge