

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF IDAHO

STEVEN SEGO,	}	
Plaintiff,	}	Case No. CV08-187-N-EJL
vs.	}	ORDER ON REPORT
PATRICK MCFADDEN and	}	AND RECOMMENDATION
BRIAN DICKENSON,	}	
Defendants.	}	

On February 10, 2009, United States Magistrate Judge Larry M. Boyle issued a Report and Recommendation as to the pending motions in the above entitled matter. 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).

Plaintiff filed objections to the report and recommendation. The objections do not raise any new arguments or authority to dispute the Magistrate Judge’s recommendation. Instead, the Plaintiff disagrees with the conclusions in the recommendation. The Court has reviewed the report and recommendation, the parties’ briefing on the motions, briefing, and the entire record in these matters. Based upon this review, the Court finds the report and recommendation has correctly decided the motions.

ORDER

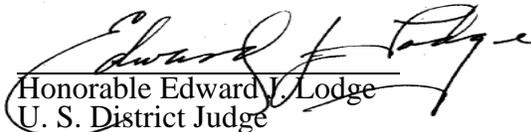
Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Magistrate Judge Boyle's Report and Recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Magistrate Judge Boyle, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on February 10, 2009, (Dkt. No. 30), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED IN ITS ENTIRETY**.

THEREFORE, IT IS HEREBY ORDERED as follows:

- 1) Plaintiff's Motion for Default Judgment (Dkt. No. 10) is **DENIED**.
- 2) Plaintiff's Motion for Joinder of Parties (Dkt. No. 28) is **DENIED**.
- 3) Defendant McFadden's Motion to Dismiss (Dkt. No. 16) is **GRANTED**. The case is dismissed as to Defendant McFadden.
- 4) Defendant Dickenson's Motion for Summary Judgment (Dkt. No. 11) is **STAYED**.
- 5) The Plaintiff's claims in the Complaint as against Defendant Dickenson and this Case is **STAYED** as to Defendant Dickenson pending resolution of the collateral state court proceeding. The parties are directed to notify the Court within ten days of resolution of the state court proceeding by filing the appropriate written motion and proposed order with the Court as to whether this case should be reinstated.
- 6) The Clerk of the Court is directed to **ADMINISTRATIVELY TERMINATE** this case with the Court reserving jurisdiction over the same until such time as the parties file the notice as directed above.

DATED: **March 6, 2009**




Honorable Edward J. Lodge
U. S. District Judge