

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

CADC-RADC VENTURE 2011-1, LLC,
a Delaware LLC.,

Plaintiff,

v.

DAVID P. STEWARD and TERESA M.
STEWART, husband and wife,

Defendants.

DAVID P. STEWARD and TERESA M.
STEWART, husband and wife,

Counterclaimants,

v.

FEDERAL DEPOSIT INSURANCE
COMPANY, as Receiver for Premier
Bank, a Missouri Banking Corporation,

Counterdefendant.

Case No. 2:10-CV-00647-EJL-MHW

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On January 12, 2012, United States Magistrate Mikel H. Williams issued a Report and Recommendation, recommending that the Federal Deposit Insurance Corporation's ("FDIC-R") Motion to Dismiss Counterclaims be granted. (Dkt. 54.) Any party may challenge a magistrate judge's proposed recommendation by filing written objections within fourteen days after being served with a copy of the Magistrate Judges' Report and Recommendation. *See* 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).

There were no objections to the report and recommendation filed in this matter and the time for doing so has passed. (Dkt. 54.) The Court has reviewed the Report and Recommendation, the parties' briefing on the Motion, and the entire record in this matter. Based upon this review, the Court finds the Report and Recommendation has correctly decided the Motion and the Court will adopt the same.

ORDER

Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Magistrate Judge Williams' 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 Williams, and this Court being fully advised in the

premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on January 12, 2012, (Dkt. 54), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE, IT IS HEREBY ORDERED that the Motion to Dismiss Counterclaims (Dkt. 24) is **GRANTED** for lack of subject matter jurisdiction.



DATED: **February 3, 2012**

A handwritten signature in black ink, which appears to read "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