

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

BRIAN BACON, et al

Plaintiffs,

v.

COUNTRYWIDE BANK, et al

Defendants.

Case No. 2:11-CV-00107-EJL-CWD

ORDER

On February 8, 2012, United States Chief Magistrate Judge Candy W. Dale issued a Report and Recommendation, recommending that Defendants' Motion to Dismiss be granted. (Dkt. 30.) 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's 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). No objections to the report and recommendation were filed and the time for doing so has passed. (Dkt. 30.) The Court has reviewed the Report and Recommendation, the parties' briefing on the

ORDER- 1

Motion, and the entire record in this matter. In addition to the regular briefing on the Motion, the parties were allowed to file supplemental briefing as well; all of which this Court has reviewed. 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 February 8, 2012, (Dkt. 30), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Dkt. 6) is **GRANTED WITHOUT LEAVE TO AMEND**. 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 March 6, 2012.



DATED: **February 28, 2012**

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