
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

MABLE C. SEBER, MARTY J. SEBER,

Plaintiffs,

v.

BANK OF AMERICA, N.A., f/k/a
COUNTRYWIDE HOME LOANS, INC., *et al.*,

Defendants.

ORDER

Case No. 1:16-cv-00111-RJS-BCW

Judge Robert J. Shelby

Magistrate Judge Brooke C. Wells

This case was referred to Magistrate Judge Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(B). Before the court is the Magistrate Judge’s Report and Recommendation, which recommends the court place filing restrictions on Plaintiffs based on their litigation history.¹ Plaintiffs did not file a timely objection to this Report and Recommendation.

Because Plaintiffs failed to object, the court reviews the Report and Recommendation under a “clearly erroneous” standard of review.² Under this standard, the court “will affirm the Magistrate Judge’s ruling unless [the court] . . . is left with the definite and firm conviction that a mistake has been committed.”³ After reviewing the record and relevant legal authorities, the court concludes that the Magistrate Judge did not clearly err in her analysis.

¹ Dkt. 60.

² See *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996); *Gonzalez v. Franco*, No. CIV-14-1163, 2016 WL 807769, at *4 (D.N.M. Jan. 30, 2016) (unpublished) (applying “clearly erroneous, arbitrary, obviously contrary to the law, or abuse of discretion” standard of review when no party objects to a Magistrate Judge’s proposed findings and recommended disposition).

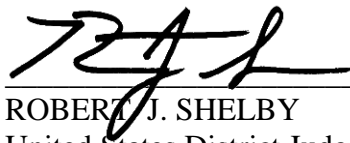
³ *Thompson v. Astrue*, No. 2:09-cv-228, 2010 WL 1944779, at *1 (D.Utah May 11, 2010) (unpublished) (internal quotation marks and citations omitted).

The court, therefore, ADOPTS the Report and Recommendation in whole. As set forth in the Report and Recommendation, the following filing restrictions are placed on the Sebers:

- a) The Clerk of Court will collect any new civil complaint submitted by the Sebers in a case in which they seek to proceed *pro se* and forward it to a Magistrate Judge for review.
- b) The Magistrate Judge will review the complaint to determine whether it is meritless, duplicative, or frivolous.
- c) If the Magistrate Judge determines the complaint lacks merit, duplicates prior filings, or is frivolous, the Magistrate Judge will forward the complaint to the Chief District Judge for final review.
- d) If on review the Chief District Judge determines the complaint has merit, it will be filed. Otherwise, it will be returned to Plaintiffs without filing.

SO ORDERED this 1st day of September, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', is written over a horizontal line.

ROBERT J. SHELBY
United States District Judge