

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

MARK PLASCENCIA,
Plaintiff,

vs.

CITY OF ST. GEORGE, ST. GEORGE
POLICE DEPARTMENT and JARED
TAYLOR,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR RETURN OF
UNDERTAKING

Case No. 2:07-CV-2 TS

This matter is before the Court on Plaintiff's Motion for Return of Undertaking.¹ The Motion is unopposed. At the outset of his case, Plaintiff was required to pay to the Court \$300.00 pursuant to Utah Code Ann. § 63g-7-601.² That statute requires a party suing the state to post a bond "conditioned upon the payment by the plaintiff of taxable costs incurred by the governmental entity in the action if the plaintiff fails to prosecute the action or fails to recover

¹Docket No. 274.

²At the time Plaintiff posted his bond, the statute was found at Utah Code Ann. § 63g-30(d)-601.

judgment.”³ Because Plaintiff has not failed to prosecute or recover, the undertaking bond will be returned. It is therefore

ORDERED that Plaintiff’s Motion for Return of Undertaking (Docket No. 274) is GRANTED. The \$300.00 undertaking bond in this matter is to be released to Mark Plascencia.

DATED December 9, 2011.

BY THE COURT:



TED STEWART
United States District Judge

³Utah Code Ann. § 63g-7-601(2)(b).