IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

ROGER SCOTT BRYNER, Plaintiff, v. HONORABLE DENISE LINDBERG et al., Defendants.	**ORDER** Case No. 2:09-cv-253 CW-SA Judge Clark Waddoups Magistrate Judge Samuel Alba

On June 29, 2010, the court adopted United States Magistrate Samuel Alba's Report and Recommendation. As a result of that ruling, all motions related to staying discovery and protective orders to preclude discovery became moot because Plaintiff Roger Scott Bryner is not entitled to discovery from defendants that have been dismissed. The court therefore denies as moot all such motions.

Defendant Wesley Oates also filed a motion for sanctions due to Plaintiff's alleged failure to serve Oates documents when Plaintiff filed them in this case. While notice is important and Plaintiff is required to provide such notice, the court declines to impose sanctions when the motion was made at the conclusion of a case. The court therefore denies the motion for sanctions.

The court further denies Plaintiff's Request for Permanent Injunction Hearing Before Judge Clark Waddoups. At the time the motion was filed, the case had been referred to United States Magistrate Samuel Alba. Thus, the motion was not well-taken. Moreover, the motion became moot when the court adopted Judge Alba's Report and Recommendation based on the *Younger* doctrine.

Finally, the court denies Plaintiff's Motion to Allow Newly Discovered Evidence in Any

Ruling on Attorney's Fees and Objection. In the motion, Plaintiff objects to awarding attorney fees. There is, however, no specific motion before the court regarding attorney fees. If Plaintiff submitted the motion based on Oates' motion for sanctions, Oates' motion has been denied. Accordingly, the court also denies the motion regarding attorney fees.

CONCLUSION

For the reasons stated above, the court hereby:

1. DENIES AS MOOT Defendants' Motion to Stay Discovery;[1]

2. DENIES AS MOOT Oates' Objection to Deposition, Motion for Protective Order, and Motion to Terminate;[2] and also DENIES Oates' Motion for Sanctions;[3]

3. DENIES AS MOOT Defendants' Motion for Protective Order;[4]

4. DENIES AS MOOT Plaintiff's Motion for Hearing re Temporary or Permanent Injunction Hearing Before Judge Clark Waddoups;[5] and

5. DENIES Plaintiff's Motion to Allow Newly Discovered Evidence in Any Ruling on Attorney's Fees and Objection.[6]

Because all defendants have been dismissed and all outstanding motions before this court have been resolved, the court directs that this case be closed.

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[1] Dkt. No. 50.

[2] Dkt. No. 55.

[3] *Id.*

[4] Dkt. No. 56.

[5] Dkt. No. 43.

[6] Dkt. No. 68

SO ORDERED this 15th day of February, 2011.

BY THE COURT:

Clark Waddoups
United States District Judge