

FILED  
U.S. DISTRICT COURT

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

2011 JUL - 7 A 10: 26

DISTRICT OF UTAH

BY:

DEPUTY CLERK

DELANOYE ROBERTSON, an individual,  
and DIAMOND CREST, a California Limited  
Liability Company,

Plaintiffs,

vs.

BANK OF AMERICA NA, and BANK OF  
AMERICA,

Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:09 CV 622 TC

The court referred this case to Magistrate Judge Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(A). On June 2, 2011, Judge Wells entered an Order and Report and Recommendation<sup>1</sup>, recommending that Plaintiffs' complaint be dismissed for their failure to respond to an Order to Show Cause<sup>2</sup> entered by Judge Wells on May 4, 2011. In that order to show cause, Judge Wells ordered the Plaintiffs to show cause, by May 31, 2011, why their complaint should not be dismissed. Plaintiffs were further ordered to respond in writing regarding their intentions to proceed with the case since there had been no contact with the

<sup>1</sup>Dkt. 40

<sup>2</sup>Dkt. 37

defendants for over nine months. Plaintiffs did not respond to the order to show cause.

Accordingly, Judge Wells issued her Order and Report and Recommendation recommending dismissal of Plaintiffs' case.

The parties were given fourteen days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were received.

The court has carefully reviewed the Report and Recommendation and the relevant materials in the file and agrees with the recommendation of the Magistrate Judge. The Report and Recommendation is adopted as the order of the court. Plaintiffs' complaint is dismissed for failure to prosecute. Any pending motions are dismissed as moot.

DATED this 6th day of July, 2011.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
U. S. District Court Judge