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

ADAM KARTIGANER,
Plaintiff,

v.

JUAB COUNTY, HOBY METZ, MAY
AUTOMOTIVE TOWING, and BARRY C .
CONOVER,

Defendants.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:10-CV-842

Judge Clark Waddoups

Before the court is the magistrate judge's report and recommendation partially dismissing Plaintiff's complaint. (Dkt. No. 7.) In reviewing the report and recommendation under a 28 U.S.C. § 636(b)(1)(B) referral, the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." § 636(b)(1).

The Tenth Circuit has "repeatedly insisted that pro se parties follow the same rules of procedure that govern other litigants." *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994). Plaintiff acknowledges as much, citing *Bratcher v. Bary-Doyle Indep. Sch. Dist. No. 42*, 8 F.3d 722, 724 (10th Cir. 1993) ("De novo review is statutorily and constitutionally required when written objections to a magistrate's report are timely filed with the district court."). (Dkt. No. 51, 2.)

The date Plaintiff's objection came due was April 20, 2012. (Dkt. No. 49.) Plaintiff's objection was dated and filed, however, on April 24, 2012. (Dkt. No. 50.) Plaintiff did not move the court for an extension of time. Nor did Plaintiff respond to Defendants' response (Dkt. No. 52), or otherwise argue that fourteen days had not passed since he was served with a copy of the report and recommendation by which he would have otherwise timely filed his objection. *See* 28 U.S.C. § 636(b)(1). Defendants' request that the objection should be disregarded as untimely is therefore granted. Without an objection, the magistrate judge's report and recommendation is ADOPTED in its entirety. (Dkt. No. 49.)

Pursuant to the report and recommendation, Plaintiff may move for leave to amend his complaint to satisfy the pleading deficiencies as otherwise outlined in the report and recommendation. The motion shall be filed, with the amended complaint attached, on or before June 15, 2012.

DATED this 25th day of May, 2012.

BY THE COURT:



Clark Waddoups
United States District Judge