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

CHARLES C. WALDO, ETHANNE S.
WALDO,

Plaintiff,

v.

OCWEN LOAN SERVICES,

Defendant.

ORDER

Case No. 2:10-CV-0928

Judge Clark Waddoups

Before the court is the magistrate judge's report and recommendation (Dkt. No. 31) regarding Defendant's motion to dismiss (Dkt. No. 6). The court reviews the report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). Plaintiff argues that "Plaintiffs have been unsuccessful in their previous Court opportunities due to the fact that, while the Courts believe there are facts to the Plaintiffs' Case, the Courts contend the cases should be heard elsewhere." (Dkt. No. 10, 2). Plaintiffs also argue that "Ocwen's attorneys let slip information near or at the end of a case that had been held back and would have helped Plaintiffs." *Id.* Without supporting citations to the record by which the court can evaluate these claims, they are rejected.

The court notes that Congress has codified the preclusion of prior state proceedings in subsequent federal actions under 28 U.S.C. § 1738 (stating that "[s]uch Acts, records and judicial proceedings [of any court of any such State, Territory or Possession] or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and

its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.)”. Accordingly, the magistrate judge’s report and recommendation to dismiss the case due to claim preclusion is upheld in its entirety.

Defendant’s motion to dismiss is therefore GRANTED.¹ The clerk’s office is hereby instructed to place Plaintiffs on the court’s restricted-filer list as set forth in the magistrate judge’s report and recommendation. (Dkt. No. 21, 31.) With the case dismissed, Plaintiff’s motion for a temporary restraining order is DENIED as moot. (Dkt. No. 33.)

DATED this 13th day of January, 2012.

BY THE COURT:


Clark Waddoups
United States District Judge

¹ Because the case is dismissed on grounds of preclusion, an analysis of the substantive arguments is moot.