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

CANDACE EWELL,

Plaintiff,

v.

LAW OFFICES OF KIRK A. CULLIMORE,

Defendant.

**MEMORANDUM DECISION and
ORDER ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:11-cv-405-DN-PMW

District Judge David Nuffer
Magistrate Judge Paul M. Warner

This case was referred to Magistrate Judge Paul M. Warner under 28 U.S.C. § 636(b)(1)(B).¹ On March 12, 2013, Judge Warner issued a Report & Recommendation (R&R)² recommending that this court GRANT Defendant's motion to dismiss.³

The parties were notified of their right to file objections to the R&R within 14 days.⁴ Although no formal objections to the R&R were filed or received by the court, Plaintiff Candace Ewell sent a letter to the court asking for the case to be continued while she tries to find counsel to represent her in this case.⁵ Ms. Ewell filed her complaint in May 2011⁶ and has not had counsel representing her since June 2011.⁷ When Ms. Ewell appeared *pro se* at the Initial Pretrial Conference in October 2011, she told the court she was trying to find counsel to

¹ Order Referring Case, docket no. 26, filed March 29, 2012.

² Docket no. 34, filed March 12, 2013.

³ *Id.* at 4.

⁴ *Id.*

⁵ Docket no. 35, lodged March 26, 2013.

⁶ Complaint, docket no. 1, filed May 4, 2011.

⁷ *See* Order Granting Motion to Withdraw, docket no. 10, filed June 16, 2011.

represent her in this matter.⁸ Ms. Ewell has had well over a year to retain counsel, but has failed to do so. The court cannot justify a further continuance on that basis.

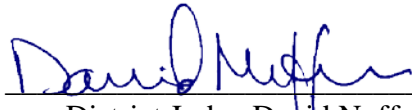
The court has conducted a *de novo* review of the issues presented and agrees with Judge Warner's analysis, conclusions and recommendations. Accordingly, the R&R is adopted as the order of this court.

ORDER

IT IS HEREBY ORDERED that the R&R⁹ is ADOPTED as the order of the court and Defendant's Motion to Dismiss is GRANTED.¹⁰ The clerk is directed to close this case.

Signed March 30, 2013.

BY THE COURT



District Judge David Nuffer

⁸ Minute Entry, docket no. 18, filed October 12, 2011

⁹ Docket no. 34.

¹⁰ Docket no. 28.