

FILED  
U.S. DISTRICT COURT

2011 DEC 30 A 8:43

DISTRICT OF UTAH

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION  
BY: UTAH  
DEPUTY CLERK

CRAIG WAYMAN,  
Plaintiff,

vs.

CITY OF SARATOGA SPRINGS, et al.,  
Defendants.

ORDER ADOPTING REPORT &  
RECOMMENDATION

Case No. 2:11-cv-969  
Judge Dee Benson

Before the Court is the Report and Recommendation issued by United States Magistrate Brooke C. Wells on December 12, 2011, recommending that this Court: (1) grant Defendants' motion to dismiss for failure to state a claim with prejudice; (2) terminate Plaintiff's motion for summary judgment as moot; and (3) the Clerk of Court enter judgment against Plaintiff and close this case.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. Plaintiff Wayman failed to file an objection to the Magistrate's Report and Recommendations by 12/27/2011.

Having reviewed all relevant materials, including the record that was before the magistrate judge, and the reasoning set forth in the magistrate judge's Report and Recommendation, the Court agrees with the analysis and conclusion of the magistrate judge. Accordingly, the Court ADOPTS the Report and Recommendation and issues the following Order. Defendants' motion to dismiss is GRANTED and Plaintiff's motion to dismiss is terminated as MOOT. The Clerk of the Court shall enter judgment against Plaintiff and close this case.

DATED this 29th day of December, 2011.

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style with a horizontal line underneath it.

Dee Benson  
United States District Judge