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

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BILL LIETZKE,

Plaintiff,

v.

COUNTY OF MONTGOMERY, et al.,

Defendants.

MEMORANDUM DECISION AND ORDER  
ADOPTING REPORT &  
RECOMMENDATION

Case No. 2:12-cv-268

District Judge David Nuffer

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Before the Court is the Report and Recommendation issued by United States Magistrate Judge Evelyn J. Furse issued on February 21, 2013<sup>1</sup>, recommending that this Court: (1) grant the motions to dismiss filed by Defendants Reese McKinney, Todd Strange, and Kevin Murphy<sup>2</sup>; (2) dismiss this action without prejudice under 28 U.S.C. § 1915; and (3) deem as moot Plaintiff's Motion to Appoint Counsel<sup>3</sup>, Motion for Service of Process<sup>4</sup>, and Motion for Default Judgment.<sup>5</sup>

The parties were notified of their right to file objections to the Report and Recommendation within 14 days after receiving it. As of the date of this order, the Court has not received any objections to the Report and Recommendation from any of the parties.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b)(3), the Court has reviewed de novo all materials, including the record that was before the magistrate judge and the reasoning

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<sup>1</sup> Docket no. 31.

<sup>2</sup> Docket nos. 19, 22, 24.

<sup>3</sup> Docket no. 4.

<sup>4</sup> Docket no. 5.

<sup>5</sup> Docket no. 26.

set forth in the Report and Recommendation. The Court agrees with the analysis and conclusion of the magistrate judge, and will adopt the Report and Recommendation. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation (docket no. 31) is ADOPTED.

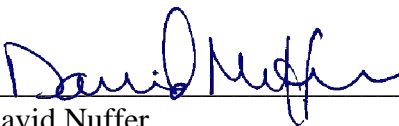
IT IS FURTHER ORDERED that the motions to dismiss filed by Defendants McKinney, Murphy, and Strange (docket nos. 19, 22, 24) are GRANTED.

IT IS FURTHER ORDERED that the above-captioned matter is DISMISSED without prejudice under 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that Plaintiff's motion to appoint counsel (docket no. 4), motion for service of process (docket no. 5), and motion for default judgment (docket no. 26) are deemed MOOT.

Signed March 14, 2013.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge