

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

PAUL STEPHENSON,
Plaintiff,

vs.

FEDERAL BUREAU OF INVESTIGATION,
Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:12-cv-0361 CW-EJA

District Judge Clark Waddoups

Magistrate Judge Evelyn J. Furse

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Evelyn J. Furse under 28 U.S.C. § 636(b)(1)(B). On November 2, 2012, Judge Furse issued a Report and Recommendation. In that report, Judge Furse concluded that Plaintiff Paul Stephenson failed to exhaust administrative remedies, failed to meet Rule 8 requirements, and stated implausible facts. She therefore recommended that the Federal Bureau of Investigation's ("FBI") Motion to Dismiss be granted without prejudice. Mr. Stephenson filed an Objection on November 13, 2012, stating he had followed the proper sequence to obtain information from his alleged FBI file.

In her report, Judge Furse's outlined the specific steps Mr. Stephenson must follow to complete his request for information. After having reviewed the file *de novo*, the court agrees that Mr. Stephenson's complaint fails to show he followed those steps. The court also agrees with Judge Furse's other conclusion. Accordingly, the court hereby APPROVES AND ADOPTS Judge Furse's Report and Recommendation in its entirety.¹ The FBI's Motion to Dismiss is GRANTED

¹ Dkt. No. 16.

WITHOUT PREJUDICE.² Because the case is dismissed without prejudice, Mr. Stephenson may request his file again from the FBI, but when doing so, Mr. Stephenson must comply with the specific steps outlined in Judge Furse's report.

DATED this 8th day of February, 2013.

BY THE COURT:



Clark Waddoups
United States District Judge

² Docket No. 8.