IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

JOHN MARK HOWARD, Plaintiff, vs. PAUL M. HALLIDAY, JR. et al., Defendants.	**ORDER ADOPTING REPORT AND RECOMMENDATION** Case No. 2:12-cv-0445 CW-DBP District Judge Clark Waddoups Magistrate Judge Dustin B. Pead

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On November 9, 2012, Judge Pead issued a Report and Recommendation, recommending that each of the pending motions to dismiss be granted. He also recommended that the pending motion to strike be granted. Plaintiff John Mark Howard filed an Objection to the report on November 26, 2012. The Objection mainly asserts the Constitution does not allow for proceedings before a magistrate judge. Mr. Howard's contention is not supported by law. It therefore does not provide an appropriate ground for rejecting Judge Pead's report.

Mr. Howard's Objection also asserts that his "complaint and the amended complaint should be sufficient evidence to support this account settled and closed." Objection, ¶ 9 (Dkt. No. 48). There is no particular objection to Judge Pead's factual or legal analysis. Mr. Howard's conclusory statement raises insufficient grounds to review Judge Pead's report *de novo*. *See* 28 U.S.C. §

636(b)(1).

The court, however, has reviewed Judge Pead's report under the clear error standard and has found no error. Accordingly, the court hereby APPROVES AND ADOPTS Judge Pead's report and recommendation in its entirety.[1] The motions to dismiss and the motion to strike are GRANTED.[2] Each party shall bear one's own costs and attorney fees.

SO ORDERED this 11th day of February, 2013.

BY THE COURT:

Clark Waddoups
United States District Judge

[1] Dkt. No. 47.

[2] Dkt. No. 17, 19, 22, 24, 27, and 36. The motions to dismiss Mr. Howard's first complaint are denied as moot (Dkt. Nos. 8, 10, and 13).