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

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ROBERT JAMES MIXDORF,

Plaintiff,

v.

AIG FEDERAL SAVINGS BANK,

Defendant.

**MEMORANDUM DECISION AND  
ORDER ADOPTING [46] REPORT &  
RECOMMENDATION**

Case No. 2:13-cv-307 DN

District Judge David Nuffer

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The Report & Recommendation by United States Magistrate Judge Brooke C. Wells issued on March 12, 2014<sup>1</sup> recommends that this court (1) grant Defendant and Counter-plaintiff AIG Federal Savings Bank's ("AIG") Motion for Summary Judgment<sup>2</sup> on all claims and (2) enter judgment in favor of AIG and against Plaintiff and Counter-defendant Robert James Mixdorf ("Mixdorf") in the amount of \$51,735.01, plus post-judgment interest and taxable costs of court.

The parties were notified of their right to file objections to the Report & Recommendation within 14 days of service pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). On March 26, 2014, Mixdorf filed a Motion for Enlargement of Time<sup>3</sup> to object to the Report & Recommendation. Mixdorf's motion was granted, and Mixdorf was ordered to file any objections on or before April 11, 2014.<sup>4</sup> On April 11, 2014, Mixdorf filed a second motion for extension of time to file objections,<sup>5</sup> which was essentially identical to his first motion. This

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<sup>1</sup> [Docket no. 46](#).

<sup>2</sup> [Docket no. 18](#), filed August 21, 2013.

<sup>3</sup> [Docket no. 49](#).

<sup>4</sup> Docket Text Order, docket no. 51, entered March 31, 2014.

<sup>5</sup> [Second] Motion for Enlargement of Time, [docket no. 52](#), filed April 11, 2014.

second motion was denied on April 17, 2014.<sup>6</sup> Notwithstanding the first extension to object, Mixdorf has failed to file any objection to the Report & Recommendation. As of the date of this order, no objections to the Report & Recommendation have been filed by either of the parties.

Pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b)(3), after reviewing de novo all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report & Recommendation, the analysis and conclusion of the magistrate judge is found to be correct and will be adopted. Accordingly,

IT IS HEREBY ORDERED that the Report & Recommendation<sup>7</sup> is ADOPTED.

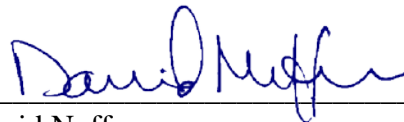
IT IS FURTHER ORDERED that AIG's Motion for Summary Judgment<sup>8</sup> is GRANTED.

IT IS FURTHER ORDERED that judgment is entered against Robert James Mixdorf in the amount of \$51,735.01, plus post-judgment interest and taxable costs of court.

The Clerk shall close the case.

Signed April 21, 2014.

BY THE COURT:



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David Nuffer  
United States District Judge

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<sup>6</sup> Docket Text Order, docket no. 54, entered April 17, 2014.

<sup>7</sup> [Docket no. 46](#), entered March 12, 2014.

<sup>8</sup> [Docket no. 18](#), filed August 21, 2013.