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

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KELLY S. MCENTIRE,

Plaintiff,

v.

JAMES SELANDER, et al.,

Defendants.

**MEMORANDUM DECISION AND  
ORDER ADOPTING THE REPORT AND  
RECOMMENDATION**

Case No. 2:15-cv-247-RJS-EJF

Chief District Judge David Nuffer

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Filing restrictions were imposed on Plaintiff Kelly S. McEntire by previous order of this court.<sup>1</sup> Pursuant to those restrictions,

1. The Clerk of the Court will collect any new civil complaint filed by Mr. McEntire in this Court and forward it to a magistrate judge for review.
2. The magistrate judge will then review the complaint to determine whether it has merit and should be filed, or whether it lacks merit, duplicates prior filings, or is frivolous.
3. If the magistrate judge determines the complaint lacks merit, duplicates prior filings, or is frivolous, the magistrate judge will forward the complaint to the Chief District Judge for further review.
4. If on review the Chief District Judge determines the complaint has merit, the complaint will be filed.<sup>2</sup>

In this case, the Clerk of the Court filed this case, assigned a judge and a case number without forwarding it to a magistrate judge for proper review. Despite this oversight, the court has adhered to the rest of the restricted filing procedure and forwarded the complaint to a magistrate judge for review.

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<sup>1</sup> *McEntire v. Newman*, No. 2:13-cv-362 DN-EJF, 2013 WL 6328696 (D. Utah Dec. 5, 2013) (order adopting report and recommendation with filing restrictions).

<sup>2</sup> *Id.* at \*4-5.

Magistrate Judge Evelyn Furse prepared a Report and Recommendation (R & R)<sup>3</sup> finding that “Mr. McEntire’s claims lack merit, duplicate prior filings, and are frivolous and RECOMMENDS the Chief District Judge close this case, consistent with the order from Mr. McEntire’s prior case.”<sup>4</sup> The R & R provided notice that parties could file an objection within 14 days.<sup>5</sup> No objection was filed.

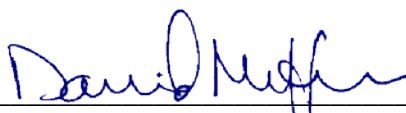
De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The analysis and conclusion of the magistrate judge are correct and the Report and Recommendation will be adopted.

### **ORDER**

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED this and the above-captioned matter is DISMISSED without prejudice. The clerk is directed to close this case.

Signed September 9, 2015.

BY THE COURT



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Chief District Judge David Nuffer

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<sup>3</sup> Report and Recommendation (R & R), docket no. 1, filed August 14, 2015.

<sup>4</sup> *Id.* at 1-2 (citing filing restrictions in *McEntire*, 2013 WL 6328696).

<sup>5</sup> *Id.* at 2.