
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DARRELL C. BLOOMQUIST,
Plaintiff,

v.

MICHAEL MISNER,
Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:15-cv-00882-JNP-DBP

District Judge Jill N. Parrish
Magistrate Judge Dustin B. Pead

Before the court is Magistrate Dustin B. Pead's Report and Recommendation. (Docket No. 8). Plaintiff Darrell C. Bloomquist filed a complaint against Defendant Michael Misner on December 21, 2015. (Docket No. 3). Plaintiff subsequently filed a Motion for Service of Process (Docket No. 4) and a Motion to Appoint Counsel (Docket No. 5). Thereafter, the court referred this matter to Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket No. 6). On September 12, 2016, Judge Pead denied both of Plaintiff's motions and noted that Plaintiff's complaint was fatally deficient as pled. (Docket No. 7). Judge Pead instructed Plaintiff to amend his complaint within thirty days, and warned that failure to properly amend the complaint would result in dismissal. (*Id.*). Plaintiff failed to amend his complaint as instructed and has not filed any other documents with the court since December of 2015.

On January 13, 2017, Judge Pead filed a Report and Recommendation recommending that Mr. Bloomquist's case be dismissed without prejudice for lack of prosecution. (Docket No. 8). Judge Pead's Report and Recommendation provided that any objection to the

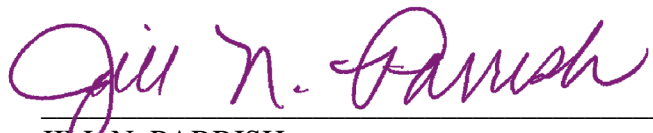
recommendation was to be filed with the court within fourteen days of service. That deadline has come and gone with no objections filed by either party.

Based on the court's *de novo* review of the record, the relevant legal authorities, and Judge Pead's Report and Recommendation, the court concludes that the Report and Recommendation is a correct application of the law and the facts. Accordingly, the court ORDERS as follows:

1. The Report and Recommendation (Docket No. 8) is **ADOPTED IN FULL**.
2. The above-captioned case is **DISMISSED** without prejudice for lack of prosecution.
3. The Clerk of Court is directed to close the case.

SO ORDERED this, the 1st day of February, 2017.

BY THE COURT:



JILL N. PARRISH
United States District Judge