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

PHILLIP J. QUINTANA,

Plaintiff,

vs.

THE ROAD HOME SHELTER, WEIGLAND
CENTER, SALT LAKE CITY POLICE
DEPARTMENT, SAFE HAVEN,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:16-cv-443
Judge Clark Waddoups

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(B). (Dkt. No. 6.) On April 25, 2017, Judge Wells issued a Report and Recommendation recommending that the plaintiff's complaint be dismissed without prejudice, that the plaintiff be given thirty (30 days) after adoption of the Report and Recommendation to cure the deficiencies noted by Judge Wells, and that the Clerk's Office mail plaintiff a copy of the Pro Se Litigation Guide. A copy of the Report and Recommendation was mailed to the plaintiff at the address he placed on file with the court, which also notified him of his right to object to the recommendation within 14 days of service.

On June 12, 2017, the mailing sent to the plaintiff was returned to the Clerk's Office, marked "Return to Sender" because it was "Unclaimed." No additional address information for the plaintiff was identified. (Dkt. No. 11.) Obviously, no objection has been filed.

For the reasons stated in the Report and Recommendation, the court agrees with Judge Wells that the Complaint is inadequate to state a claim for relief and should be dismissed without prejudice. Furthermore, although the address on file does not appear to be valid,¹ plaintiff has given the homeless shelter's address as his mailing address, so if he has returned there, it is possible that a second mailing will reach him. Accordingly, the court will give plaintiff thirty (30) days from the date of this Order Adopting Report and Recommendation to cure the deficiencies in the Complaint identified in Judge Wells' recommendation.

The court APPROVES AND ADOPTS Judge Wells' Report and Recommendation in its entirety.

SO ORDERED this 31st day of July, 2017.

BY THE COURT:



Clark Waddoups
United States District Court Judge

¹ The plaintiff has a duty to update the court with a valid mailing address. *Jones v. Law Offices of Kirt A. Cullimore*, 2016 WL 4257340 (D. Utah 2016) (unpublished).