
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

VIRGINIA MOODY,

Plaintiff,

v.

SALT LAKE COUNTY, CAPTAIN
RICHARD CHURCH, JOHN AND JANE
DOES 1-5,

Defendants.

MEMORANDUM DECISION & ORDER

Case No. 2:16-CV-1243

Judge Clark Waddoups

Plaintiff Virginia Moody, proceeding pro se, brings this civil rights action alleging Defendants violated Title VII by retaliating against her for filing a sexual harassment complaint. (ECF No. 2.) This action was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Evelyn J. Furse under 28 U.S.C. § 636(b)(1)(B). (ECF No. 18.) The matter is now before the court on a Report and Recommendation from Magistrate Judge Furse, dated June 7, 2018, in which she recommends denial of Defendant Salt Lake County's Motion to Dismiss, which was filed on April 23, 2018. (ECF Nos. 22 & 33.) The Report and Recommendation is incorporated by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Twenty-six days have passed since Magistrate Judge Furse entered her recommendation, and it remains unopposed. *See* Fed. R. Civ. P. 72(b)(2) (permitting a party, within fourteen days of being served, to file written objections). Therefore, the court "may review [her] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991). Because Ms. Moody is proceeding pro se, the court must liberally construe her pleadings, *Haines*

v. Kerner, 404 U.S. 519, 520–21 (1972), but it cannot advocate for her, *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

After careful review of the record, applying a *de novo* standard of review, the court AFFIRMS and ADOPTS Magistrate Judge Furse’s recommendation that dismissal with prejudice of Ms. Moody’s complaint is a drastic sanction and not appropriate under the circumstances of this case. Because Plaintiff represents she was unaware of the implications of her attorneys’ withdrawal and is prepared to proceed and because dismissal with prejudice would defeat her access to the courts entirely, the court DENIES Defendant’s Motion. (ECF No. 22.)

DATED this 3rd day of July, 2018.

BY THE COURT:



Clark Waddoups
United States District Judge