

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

JULIUS OLOLA,
Plaintiff,

vs.

OFFICER TRACE COX, et al.,
Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:17-CV-151 DB

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Dustin B. Pead on February 22, 2018, recommending Dismissal of Plaintiff's Original Complaint (Dkt. No. 4) for lack of subject matter jurisdiction, and with regard to Plaintiff's Second Complaint (Dkt. No. 5), recommending only the dismissal of Plaintiff's claim that Defendants failed to administer *Miranda* warnings to Plaintiff.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court adopts the recommendation of magistrate judge, and orders as follows:

1. Plaintiff's Original Complaint (Dkt. No. 4) is dismissed for lack of subject matter jurisdiction; and
2. Plaintiff's claim of a *Miranda* violation, contained in the Second Complaint (Dkt. No. 5), is dismissed for failure to state a claim upon which relief may be granted.

The Court recommitts the matter to the Magistrate Judge with instructions, pursuant to 28 U.S.C. § 636, that he consider the remainder of Plaintiff's case, including Plaintiff's failure to comply with the Court's Order to "file a Notice by March 23, 2018, that contains the WVPD Defendants' addresses and/or the addresses of their registered agent(s) or other person(s) authorized to accept service of process on their behalf." (Dkt. No. 29, Report and Recommendation at 12.)

IT IS SO ORDERED.

Dated this 4th day of April, 2018.



Dee Benson
United States District Judge