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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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FRANCOIS COEUR,  
Plaintiff,

v.

MATTHEW STONE,  
Defendants.

**MEMORANDUM DECISION & ORDER**

Case No. 2:17-cv-745-CW

District Judge Clark Waddoups

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Plaintiff Francois Coeur, proceeding in forma pauperis and pro se, brings this action against Matthew Stone, alleging Defendant stole money from Mr. Coeur's divorce decree. (Complaint, ECF No.3.) 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. 8.) The matter is now before the court on a Report and Recommendation from Magistrate Judge Furse, dated June 27, 2018, in which she recommends that the action be dismissed without prejudice for lack of subject matter jurisdiction. (ECF No. 11.) The Report and Recommendation is incorporated by reference. See 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Fifty-five 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 Mr. Coeur is proceeding pro se, the court must liberally construe his pleadings, *Haines*

v. Kerner, 404 U.S. 519, 520–21 (1972), but it cannot advocate for him, 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 Mr. Coeur’s Complaint be dismissed without prejudice. The Complaint alleges no facts that would support this court’s exercise of jurisdiction. Rather, on the face of the Complaint, Mr. Coeur fails to meet the complete diversity requirement or to identify a federal question upon which his claims are based. Because the court lacks jurisdiction, this action is DISMISSED without prejudice.

DATED this 21st day of August, 2018.

BY THE COURT:



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Clark Waddoups  
United States District Judge