

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

CRAIG L. HULINSKY,
Plaintiff,

vs.

HON. HEATHER BRERETON,
Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:17-CV-746 DB

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Dustin B. Pead on January 29, 2018, recommending that Defendants' Motion to Dismiss be granted.

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, declining to exercise jurisdiction under *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny and dismissing the case without prejudice to resolution in state court. As stated in the Report and Recommendation, the Court elects to dismiss Plaintiff's claim rather than stay the claim, because Plaintiff does not assert a claim for damages and, even if he had, Judge Brereton enjoys judicial immunity because the Complaint only alleges Judge Brereton acted in her judicial capacity. See *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991).

Therefore, the Court ADOPTS the Report and Recommendation and GRANTS the Defendant's Motions to Dismiss.

IT IS SO ORDERED.

Dated this 27th day of February, 2018.

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style with a long horizontal flourish at the end.

Dee Benson
United States District Judge