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

ALAPATI PAUL SCHWENKE,

Plaintiff,

v.

STATE OF UTAH, E. NEAL
GUNNARSON, Assistant Attorney General,
MARK SHURTLEFF, Attorney General, and
JAMES YOUNG,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING AMENDED
REPORT AND RECOMMENDATION**

Case No. 2:17-cv-00833-DN-DBP

District Judge David Nuffer

The Amended Report and Recommendation¹ issued by United States Magistrate Judge Dustin B. Pead on October 16, 2017, recommends that (1) Plaintiff's motion for partial summary judgment² be DENIED; (2) Defendants' motion to stay response³ is MOOT; and (3) Defendants' motion to dismiss⁴ be GRANTED.

The parties were notified of their right to file objections to the Amended Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#). No party filed a written objection to the Amended Report and Recommendation as provided by court rules. Therefore, the analysis and conclusion of the Magistrate Judge are accepted and the Amended Report and Recommendation⁵ is adopted in its entirety.

¹ [Docket no. 21](#), filed Oct. 16, 2017.

² Motion and Memorandum for Partial Summary Judgment, [docket no. 17](#), filed Sept. 5, 2017.

³ Motion to Stay Response to Plaintiff's Motion for Partial Summary Judgment, [docket no. 19](#), filed Sept. 26, 2017.

⁴ Motion to Dismiss and Memorandum in Support, [docket no. 9](#), filed July 31, 2017.

⁵ [Docket no. 21](#), filed Oct. 16, 2017.

ORDER

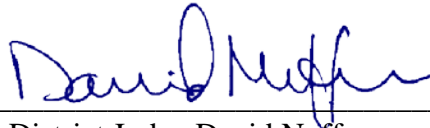
IT IS HEREBY ORDERED that:

- (1) the Amended Report and Recommendation⁶ is ADOPTED in its entirety;
- (2) Plaintiff's motion for partial summary judgment⁷ is DENIED;
- (3) Defendants' motion to stay response⁸ is MOOT;
- (4) Defendants' motion to dismiss⁹ is GRANTED; and
- (5) Plaintiff's amended complaint¹⁰ is DISMISSED with prejudice as to Defendants

State of Utah, E. Neal Gunnarson, and Mark Shurtleff.

Signed November 6, 2017.

BY THE COURT



District Judge David Nuffer

⁶ *Id.*

⁷ Motion and Memorandum for Partial Summary Judgment, [docket no. 17](#), filed Sept. 5, 2017.

⁸ Motion to Stay Response to Plaintiff's Motion for Partial Summary Judgment, [docket no. 19](#), filed Sept. 26, 2017.

⁹ Motion to Dismiss and Memorandum in Support, [docket no. 9](#), filed July 31, 2017.

¹⁰ Amended Petition for Freedom and Damages, [docket no. 16-5](#), filed Sept. 5, 2017.