
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

GUY M. DOMAI,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:17-cv-00872-JNP-BCW

Judge Jill N. Parrish

On April 17, 2018, Magistrate Judge Brooke C. Wells issued a Report and Recommendation that this court dismiss plaintiff Guy Domai's complaint with prejudice. [Docket 9]. The Report and Recommendation advised the Domai that a failure to object within fourteen days of service could result in a waiver of objections upon review by this court. Twenty days later, on May 7, 2018, Domai filed a brief response to the Report and Recommendation. In it he stated: "For the purpose of complying with the 14 days requirement to submit a response to the court, the plaintiff is filing this preliminary document pending the receipt of a document that he wants to use for evidence in his response." As of June 12, 2018, Domai has not objected to any aspect of Judge Wells's Report and Recommendation or requested an extension of time to file an objection.

Domai's failure to file a timely objection waived any argument that the Report and Recommendation was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court need not apply this waiver rule as a procedural bar if "the interests of justice so dictate." *Id.* (quoting *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991)). The court has reviewed the Report and Recommendation and concludes that it is not clearly

erroneous. The court therefore determines that the interests of justice do not warrant deviation from the waiver rule and adopts the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation [Docket 9] is ADOPTED IN FULL.
2. The court dismisses the action with prejudice.

SO ORDERED June 13, 2018.

BY THE COURT:



JILL N. PARRISH
United States District Judge