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

ROBERT LOUIS BROWN,

Plaintiff,

v.

GARY HERBERT, State of Utah Governor,
SPENCER COX, State of Utah Lieutenant
Governor; UTAH REPUBLICAN PARTY;
and ROB ANDERSON, Utah Republican
Party Chairperson,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:17-cv-948

Judge Clark Waddoups

Magistrate Judge Dustin B. Pead

This case was assigned to United States District Judge Clark Waddoups, who then referred it to United States Magistrate Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B) (ECF No. 16). On December 11, 2018, Judge Pead issued a Report and Recommendation pertaining to the following three motions: (1) Motion for Injunctive Relief filed by Robert Louis Brown (ECF No. 13); (2) Motion to Dismiss filed by the Utah Republican Party and Rob Anderson (ECF No. 19), and (3) Motion to Dismiss filed by Gary Herbert and Spencer Cox in both their official and individual capacities (ECF No. 22). Judge Pead recommends Mr. Brown's Motion for Injunctive Relief be denied and that the two motions to dismiss be granted. Report & Recommend., at 5 (ECF No. 28). Mr. Brown did not file an Objection.

Upon review of the record and Judge Pead's findings, the court concludes that Mr. Brown has failed to state a claim upon which relief may be granted. Mr. Brown asserts abuse of office, fraud, dishonesty, racial discrimination, and so forth. He calls for the resignation of various

individuals and for the court to invalidate the 2016 Governor's election. Mr. Brown relies upon Utah Code Ann. § 76-8-201 as the foundation for a portion of his claims, but the statute is a criminal statute and inapplicable in civil litigation. Moreover, Mr. Brown's allegations consist only of bald assertions, such that even a liberal reading of the complaint yields no viable claim against any defendant.¹ Having failed to state a viable claim, Mr. Brown's Motion for Injunctive Relief necessarily fails as well.

Accordingly, the court APPROVES AND ADOPTS Judge Pead's Report and Recommendation (ECF. No. 28) and hereby DENIES Mr. Brown's Motion for Injunctive Relief (ECF No. 13). The court further GRANTS Defendants' respective Motions to Dismiss (ECF No. 19, 22). This case is dismissed with prejudice.

SO ORDERED this 12th day of February, 2019.

BY THE COURT:



Clark Waddoups
United States District Judge

¹ It is unclear whether Mr. Brown intended to assert claims against Governor Herbert and Lieutenant Governor Cox in their official capacity or individual capacity or both. Regardless of which capacity they were sued under, Mr. Brown has failed to state a claim against them. Likewise, it is unclear whether Mr. Brown intended to assert a claim against the State of Utah. No return of service has been provided as to the State, and even if service had been processed properly, Mr. Brown has not shown the State has waived its immunity from suit or that he has any viable claim against the State.