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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MICHAEL C. MARTIN,  
Plaintiff,

v.

PINEAPPLE GREENHOUSE,  
Defendant.

**ORDER**

Case No. 2:18-cv-82-DB

District Judge Dee Benson

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Before the court are the Reports and Recommendations of Magistrate Judge Brooke Wells. (Dkt. Nos. 9 and 13.) On August 8, 2018, Judge Wells issued an Order to Amend Deficient Complaint. (Dkt. No. 8.) In that Order, the court observed that the Complaint failed to state a claim and instructed Plaintiff to file an amended complaint within thirty days of that Order. (*Id.*) The court warned Plaintiff that failure to timely cure the deficiencies of the Complaint would result in a recommendation that this case be dismissed. (*Id.*) Plaintiff failed to file an amended complaint as instructed.

On September 24, 2018, Judge Wells issued a Report and Recommendation recommending that the court dismiss Plaintiff's Complaint for failure to state a claim. (Dkt. No. 9.) On October 1, 2018, Plaintiff requested additional time to amend his deficient complaint. (Dkt. No. 10.) On October 12, 2018, Judge Wells granted Plaintiff's request for additional time, and ordered Plaintiff to file his amended complaint within fourteen days of the date of that Order. (Dkt. No. 11.) Judge Wells also alerted Plaintiff that he had fourteen days from the date of the Order to object to the September 24 Report and Recommendation, pursuant to 28 U.S.C. §

636 and Fed. R. Civ. P. 72. (*Id.*) Plaintiff did not file an objection or amended complaint within the 14 days allowed by the court. On November 2, 2018, Judge Wells issued a Report and Recommendation recommending that the court dismiss Plaintiff's complaint, consistent with the court's previous Report and Recommendation. (Dkt. No. 13.) As of the date of this Order, Plaintiff has not filed an objection to the Reports and Recommendations or an amended complaint.

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Reports and Recommendations has been completed. The analysis and conclusion of the magistrate judge are correct and the Reports and Recommendations will be adopted.

It is hereby ORDERED that the Reports and Recommendations (Dkt. Nos. 9 and 13) are hereby ADOPTED and the action is DISMISSED for failure to state a claim upon which relief may be granted.

DATED this 9<sup>th</sup> day of November, 2018.

BY THE COURT:

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.

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Dee Benson  
United States District Judge