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CLERK  
U.S. DISTRICT COURT

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF UTAH

CLARA DIDERICKSEN,

Plaintiff,

v.

DALLAS EARNSHAW; UTAH STATE  
HOSPITAL, AND BEAR RIVER  
MENTAL HEALTH,

Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:18-cv-00218-JNP-DAO

Judge Jill N. Parrish

Magistrate Judge Daphne A. Oberg issued a Report and Recommendation that the court dismiss plaintiff Clara Didericksen's action without prejudice. Judge Oberg notified Didericksen that a failure to file a timely objection to her recommendation could waive any objections to it. No objection was filed within the allotted time.

Because no party objected to the Report and Recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule and ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 8, is ADOPTED IN FULL.
2. The court DISMISSES this action WITHOUT PREJUDICE.

**DATED** August 25, 2021.

BY THE COURT:



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JILL N. PARRISH  
United States District Judge