
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

RUBEN ROYBAL,

Plaintiff,

v.

STATE OF UTAH; MELANIE HOOTEN;
JOLANDA REYES; TIMOTHY JAMES
TRUJILLO, JR.; POLLACK FAMILY,

Defendants.

MEMORANDUM DECISION & ORDER

Case No. 2:18-cv-471-CW

District Judge Clark Waddoups

Plaintiff Ruben Roybal, proceeding *in forma pauperis* and pro se, brings this civil rights action against several defendants who he alleges were employed by the State of Utah and provided medical services resulting in billions of dollars of damages. (Complaint, ECF No. 3.) This action was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Judge Evelyn J. Furse under 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.) The matter is now before the court on a Report and Recommendation from Magistrate Judge Furse, dated August 27, 2018, in which she recommends that the action be dismissed without prejudice for failure to state a claim. (ECF No. 7.) The Report and Recommendation is incorporated by reference. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Twenty-four days have passed since Magistrate Judge Furse entered her recommendation, and it remains unopposed. *See* Fed. R. Civ. P. 72(b)(2) (permitting a party, within fourteen days of being served, to file written objections). Therefore, the court “may review [her] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165,

1167 (10th Cir. 1991). Because Mr. Roybal is proceeding pro se, the court must liberally construe his pleadings, *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), but it cannot advocate for him, *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

After careful review of the record, applying a de novo standard of review, the court AFFIRMS and ADOPTS Magistrate Judge Furse’s recommendation that Mr. Roybal’s complaint be dismissed without prejudice. The Complaint does not set forth “a short and plain statement of the claim showing that [Mr. Roybal] is entitled to relief.” Fed. R. Civ. P. 8. It is unclear on the face of the Complaint what Mr. Roybal alleges happened, what Mr. Roybal alleges his injuries are, or what Mr. Roybal alleges each Defendant did to contribute to those injuries. Because Mr. Roybal has not met the minimum pleading requirements and did not appear at the status conference set by Magistrate Judge Furse to address the deficiencies in the Complaint, this action is DISMISSED without prejudice.

DATED this 20th day of September, 2018.

BY THE COURT:



Clark Waddoups
United States District Judge