
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

AMELIA ARCAMONE-MAKINANO;
BONIFACIO MAKINANI; GUILLERMO
AVILA PAZ; RANDAL MASSARO; and
CLIFTON ADUDEL,

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT and AMERICAN
SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:21-cv-00458-JNP-CMR

Judge Jill N. Parrish

Magistrate Judge Cecilia M. Romero issued a Report and Recommendation that the court deny defendant United States Bureau of Land Management's ("BLM") motion to dismiss (ECF No. 34), grant defendant American Society for the Prevention of Cruelty to Animals's ("ASPCA") motion to dismiss (ECF No. 33), deny plaintiffs' motion for default judgment (ECF No. 36), and deny as moot plaintiffs' motion for a ruling (ECF No. 41). ECF No. 44. Judge Romero notified the parties 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. 44, is ADOPTED IN FULL.
2. BLM's motion to dismiss, ECF No. 34, is DENIED.
3. ASPCA's motion to dismiss, ECF No. 33, is GRANTED WITHOUT PREJUDICE and REMAND to state court is not appropriate at this time.
4. Plaintiffs' motion for default judgment, ECF No. 36, is DENIED.
5. Plaintiffs' motion for a ruling, ECF No. 41, is DENIED AS MOOT.

DATED August 1, 2022.

BY THE COURT:



JILL N. PARRISH
United States District Judge