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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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TIWANDA LOVELACE,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
EMPLOYMENT, TRAINING, &  
REHABILITATION, CHRISTOPHER  
SEWELL, in his capacity as administrator,  
and KRISTINE K. NELSON, in her capacity  
as administrator

Defendants.

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**ORDER ADOPTING [35] REPORT AND  
RECOMMENDATION**

Case No. 2:23-cv-00535-DBB-DBP

District Judge David Barlow

The Report and Recommendation issued by United States Magistrate Judge Dustin B. Pead on August 6, 2024, recommends that the court dismiss Plaintiff Tiwanda Lovelace’s case without prejudice for lack of venue.<sup>1</sup> The magistrate judge observed that none of the Defendants reside in Utah and none of the claims are related to Utah.<sup>2</sup> Additionally, the magistrate judge observed that transferring is not in the interests of justice, as Ms. Lovelace’s claims are unlikely to have merit and two previous cases filed by Plaintiff asserting similar claims in this district have been dismissed.<sup>3</sup> Accordingly, the magistrate judge recommended that the case be dismissed.<sup>4</sup>

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<sup>1</sup> [ECF No. 35](#), at 5–6.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.* at 5.

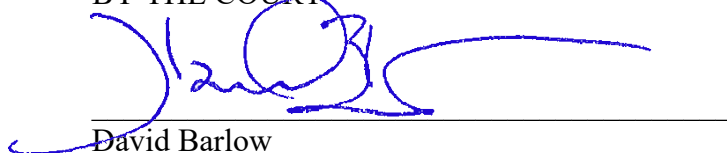
<sup>4</sup> *Id.* at 5.

Finally, the magistrate judge advised Ms. Lovelace of her right to object to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).<sup>5</sup> Ms. Lovelace did not file an objection. Therefore, the court reviews the Report and Recommendation for clear error.<sup>6</sup> Having done so, the court finds that the magistrate judge’s analysis and conclusions are sound and no clear error appears on the face of the record.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation<sup>7</sup> is ADOPTED. The court DISMISSES Plaintiff’s action without prejudice.

Signed August 28, 2024.

BY THE COURT



David Barlow  
United States District Judge

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<sup>5</sup> *Id.* at 5.

<sup>6</sup> *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at \*2 (D. Utah June 16, 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). “[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *Port City Props. v. Union Pac. R. Co.*, 518 F.3d 1186, 1190 n.1 (10th Cir. 2008) (alteration in original) (quoting *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

<sup>7</sup> ECF No. 35.