

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ROBERT G. ARCE, JR., an individual; and MEGAN J. ARCE, an individual,

Plaintiffs,

v.

FIRST RATE PROPERTY MANAGEMENT, INC.; MELISSA SHARONE, an individual; and MEI CHU HUANG, an individual; and DOES 1 through 10, inclusive,

Defendants.

Case No. 1:22-cv-00343-BLW-DKG

ORDER ADOPTING REPORT & RECOMMENDATION

INTRODUCTION

This matter is before the Court on United States Magistrate Judge Debora K. Grasham's Report & Recommendation (Dkt. 11). For the reasons explained below, the Court will adopt the Report & Recommendation in its entirety and dismiss this case for lack of jurisdiction.

DISCUSSION

Defendants have moved to dismiss this action, asserting that this Court lacks jurisdiction. The Magistrate Judge recommends granting the motion and dismissing this action. Plaintiff has not objected to this recommendation.

Under 28 U.S.C. § 636(b)(1)(C), this Court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” Where the parties object to a report and recommendation, this Court “shall make a de novo determination of those portions of the report which objection is made.” *Id.* Where, however, no objections are filed the district court need not conduct a de novo review. *See generally* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1).

Although the Court was not required to do so – given the lack of objections – it has nevertheless conducted a de novo review of the pending motion to dismiss. After having conducting such a review, the Court concurs with the Magistrate Judge’s Report & Recommendation. Accordingly, the Court will grant the pending motion to dismiss.

ORDER

IT IS ORDERED that:

1. The Report & Recommendation (Dkt. 11) is **ADOPTED IN ITS ENTIRETY** as the order of this Court.
2. Defendants’ Pending Motion to Dismiss (Dkt. 5) is **GRANTED**.

Accordingly, the complaint in this matter is **DISMISSED WITHOUT PREJUDICE** to permit plaintiffs to file their claims in a court of competent jurisdiction.

3. The Court will enter a separate judgment in accordance with Federal Rule of Civil Procedure 58.



DATED: February 1, 2023

B. Lynn Winmill
United States District Judge