

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>TAE H. CHON, Plaintiff,</p> <p>vs.</p> <p>USA, et al., Defendants.</p>	<p>ORDER ADOPTING REPORT AND RECOMMENDATION</p> <p>Case No. 2:16-cv-187 BCW-DB Judge Dee Benson</p>
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Before the Court is the Report and Recommendation issued by United States Magistrate Judge Brooke C. Wells on August 29, 2016, recommending that Plaintiff's Complaint be dismissed, without prejudice, and that the Court provide Plaintiff with 30 days from the date of this Order to cure the deficiencies outlined in the Report and Recommendation.

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and

Recommendation and and DISMISSES Plaintiff's Complaint, without prejudice. Plaintiff shall have 30 days from the date of this Order to cure the jurisdictional deficiencies set forth above and outlined in the Report and Recommendation. If Plaintiff fails to timely cure these deficiencies within 30 days the action shall be dismissed.

The Court notes that on October 4, 2016, prior to the date of this Order, and therefore prior to this Court adopting the Report and Recommendation, the Plaintiff filed an Amended Complaint. (Dkt. No. 27.) The Court assumes that this Amended Complaint was filed in an attempt to comply with the instructions set forth in the Report and Recommendation which are now adopted by this Order.

However, exercising an abundance of caution, the Plaintiff shall continue to have 30 days from the date of this Order so that Plaintiff has a complete and fair opportunity to correct or cure any deficiencies. Upon expiration of the 30 days, the Court shall once again review either the October 4, 2016 Amended Complaint, or any subsequently filed amended complaint, to determine whether the Plaintiff's Complaint is sufficient to proceed.

IT IS SO ORDERED.

DATED this 7th day of October, 2016.

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive style and is positioned above a horizontal line.

Dee Benson  
United States District Judge