

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARK STEPHEN WICKLUND,

Plaintiff,

v.

JAMES F. PAGE, an individual, dba
ASCERTAIN POLYGRAPH
SERVICES, dba TREASURE VALLEY
POLYGRAPH, and IDAHO
DEPARTMENT OF CORRECTIONS,

Defendants.

Case No. 1:09-CV-00671-EJL-CWD

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

On May 25, 2011, United States Chief Magistrate Judge Candy W. Dale issued a Report and Recommendation, recommending that Defendant James F. Page's Motion for Summary Judgment be denied. (Dkt. 56.) Any party may challenge a Magistrate Judge's proposed recommendation regarding by filing written objections within ten days after being served with a copy of the Magistrate Judges's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the Magistrate Judge. *Id.*; *see also* Fed. R.

Civ. P. 72(b). No objections to the report and recommendation were filed. The Court has reviewed the Report and Recommendation, the parties' briefing on the Motion, briefing, and the entire record in this matter. Based upon this review, the Court finds the Report and Recommendation has correctly decided the Motion for Summary Judgment. In addition, the Court agrees with the Magistrate Judge's Recommendation that deadlines for limited discovery and the filing of any amended complaint and/or second motion for summary judgment.

ORDER

Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Chief Magistrate Judge Dale's Report and Recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Chief Magistrate Judge Dale's, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on May 25, 2011, (Dkt. 56), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

THEREFORE IT IS HEREBY ORDERED as follows:

- 1) Defendant James F. Page's Motion for Summary Judgment (Dkt. 41) is **DENIED**.
- 2) Plaintiff Mark S. Wicklund shall have until on or before **August 9, 2011** in which to file an amended complaint.
- 3) The parties may engage in limited discovery in this matter as discussed in the Report and Recommendation until on or before **September 12, 2011**.

- 4) Any additional dispositive motions shall be filed on or before **October 12, 2011**.



DATED: **July 25, 2011**

A handwritten signature in black ink, appearing to read "Edward J. Lodge". The signature is written in a cursive, flowing style.

Honorable Edward J. Lodge
U. S. District Judge