

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DOUGLAS W. DAVIS,

Plaintiff,

VS.

MARIO A. NEVAREZ,

Defendant.

Case No. CV07-427-C-EJL

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 3, 2008, United States Magistrate Judge Larry M. Boyle issued a Report and Recommendation (Docket No. 45) recommending the District Court enter an order denying Defendant's Motion to Dismiss (Docket No. 26) to the extent it seeks a dismissal of Plaintiff's claims.

Pursuant to 28 U.S.C. § 636(b)(1), the parties had ten (10) days in which to file written objections to the Report and Recommendation, however neither party has objected to the recommendation made by Judge Boyle. Exercising de novo review of the matter, this Court may accept, reject or modify, in whole or in part, the findings and recommendations made by the magistrate judge. *Id.*

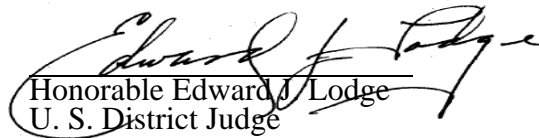
Because this Court finds the Report and Recommendation of Judge Boyle to be well founded in law and supported by the record, the Court hereby accepts in their entirety, and adopts as its own, the findings made by Judge Boyle. Acting on the recommendation of Judge Boyle, and this Court being fully advised in the premises,

IT IS HEREBY ORDERED that the Report and Recommendation(Docket No.45) by Judge Boyle should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Docket No. 26) to the extent that is seeks to dismiss Plaintiff's claims is DENIED.

DATED: **July 25, 2008**




Honorable Edward J. Lodge
U. S. District Judge