

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Jack Conrad Franchek v. Park City Municipal Corporation, et al.

Franchek · No. 2:25-cv-694-DBP-DBB · Decided June 4, 2026

OPINION

Franchek

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

JACK CONRAD FRANCKEK,

MEMORANDUM DECISION AND

Plaintiff, ORDER ADOPTING [10] REPORT AND

RECOMMENDATION

v. Case No. 2:25-cv-694-DBP-DBB

PARK CITY MUNICIPAL CORPORATION,

ET AL., District Judge David Barlow Defendants. Magistrate Judge Dustin B. Pead Before the court is United States Magistrate Judge Dustin B. Pead's Report and Recommendation.¹ It recommends dismissing the matter for failure to prosecute.²

BACKGROUND

Plaintiff brings a civil rights action based on an incident that occurred in September 2019 in Park City, Utah.³ Plaintiff alleges that Park City Police officers unlawfully arrested the Plaintiff's father, including tazing him, and unlawfully arrested and physically interfered with Plaintiff.⁴ Plaintiff alleges having suffered "physical pain, emotional distress, fear of law enforcement, nightmares, anxiety, and PTSD symptoms" as a result of the incident.⁵ 1 R. & R. ("R&R"), ECF No. 10, filed May 13, 2026.

² Id. at 7.

³ Compl. at 1, ECF No. 1, filed August 19, 2025.

⁴ Id. at 1, 3.

⁵ Id. at 3.

On April 4, 2026, the court ordered Plaintiff to complete and submit to the Clerk's Office a summons (AO 440) and service of process form (USM-285) for each named Defendant.⁶ The deadline for submitting these documents was on May 4, 2026, and the court warned Plaintiff that the case may be dismissed if the forms were not timely submitted.⁷ Plaintiff did not submit these documents by the deadline. On that basis, the Magistrate Judge recommended dismissing the matter for failure to prosecute.⁸

STANDARD

The court conducts a de novo review of any part of a report and recommendation for which a plaintiff offers a timely and proper objection.⁹ This court “reviews unobjected-to portions of a report and recommendation for clear error.”¹⁰ To overturn a decision as clearly erroneous, the court must be left with a “definite and firm conviction that a mistake has been committed.”¹¹

DISCUSSION

No objections were filed, and therefore, the Report and Recommendation is reviewed for clear error. The magistrate judge’s analysis and conclusion are not clearly erroneous. Accordingly, the court adopts the Report and Recommendation. 6 Order, ECF No. 9, filed April 6, 2026. 7 Id.

8 Id. at 7.

9 Fed. R. Civ. P. 72(b)(3). 10 Johnson v. Progressive Leasing, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah 2023) (citing Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999); see Fed. R. Civ. P. 72(b) adv. comm. note to 1983 amend. (“[T]he court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

11 United States v. Gypsum Co., 333 U.S. 364, 395 (1948); see also Ocelot Oil Corp. v. Sparrow Indus., 847 F.2d 1458, 1464 (10th Cir. 1988).

ORDER

For the reasons stated above, the court:

1. ADOPTS the Report and Recommendation.”
2. DISMISSES the Case without prejudice.

Signed June 4, 2026.

BY THE COURT

David Barlow United States District Judge ECF No. 10.