

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Michael Hardy v. City of Naples, Uintah County, and Champion X Corporation

Hardy · No. 2:25-cv-00586-JNP-DAO · Decided February 24, 2026

SUMMARY

The United States District Court for the District of Utah adopted in full a magistrate judge’s Report and Recommendation after plaintiff Michael Hardy failed to file objections. The court denied as moot Hardy’s motions for a preliminary injunction and a protective order and dismissed the action without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Jill N. Parrish
JURISDICTION	United States District Court for the District of Utah
DECIDED	February 24, 2026
DOCKET	2:25-cv-00586-JNP-DAO
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice and denial of pending motions for a preliminary injunction and a protective order. The plaintiff filed no timely objection.
STANDARD OF REVIEW	The court applied the Tenth Circuit's waiver rule for failure to timely object to a magistrate judge's Report and Recommendation, subject to an interests-of-justice exception.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Michael Hardy v. City of Naples, Uintah County, Champion X Corporation

TOPICS

waiver injunctions civil procedure equitable relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff waived objections to the Report and Recommendation by failing to file a timely objection.
2. Whether the interests of justice required the court to decline to apply the waiver rule.
3. Whether the court should adopt the Report and Recommendation, deny the pending motions as moot, and dismiss the action without prejudice.

HOLDINGS

1. A party that fails to file a timely objection to a Report and Recommendation waives arguments that the recommendation was erroneous, unless the interests of justice require an exception.
2. The court adopted the Report and Recommendation in full, denied the motions for a preliminary injunction and a protective order as moot, and dismissed the action without prejudice.

KEY QUOTATIONS

“Because Hardy did not object to the R&R, any argument that it was in error has been waived.” (at 1)

“The court will decline to apply the waiver rule only if “the interests of justice so dictate.”” (at 1)

“Thus, the court finds that all objections are waived and **ADOPTS IN FULL** the R&R.” (at 1)

FACTUAL BACKGROUND

The provided order contains no substantive facts concerning the underlying dispute. It concerns the plaintiff's failure to file a timely objection to a magistrate judge's Report and Recommendation and the resulting disposition of his pending motions and action.

PROCEDURAL HISTORY

Magistrate Judge Daphne A. Oberg issued a Report and Recommendation recommending dismissal without prejudice and denial of the pending motions. The plaintiff was warned that failure to object could waive objections but filed none. District Judge Jill N. Parrish held that objections were waived, adopted the Report and Recommendation in full, denied the motions as moot, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

- Duffield v. Jackson, 545 F.3d 1234, 1238 (10th Cir. 2008)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH MICHAEL HARDY, Plaintiff, ORDER ADOPTING REPORT AND RECOMMENDATION v. CITY OF NAPLES, UINTAH COUNTY, and CHAMPION X CORPORATION, Case No. 2:25-cv-00586-JNP-DAO Defendants. Judge Jill N. Parrish Magistrate Judge Daphne A. Oberg issued a Report and Recommendation (R&R), ECF No. 11, that the court dismiss this action without prejudice and deny the pending motions for a preliminary injunction and for a protective order.

Judge Oberg notified plaintiff Michael Hardy that a failure to file a timely objection to the R&R could waive any objections to it. No objection was filed within the allotted time. Because Hardy did not object to the R&R, any argument that it was in error has been waived. See *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has “considered factors such as ‘a pro se litigant’s effort to comply, the force and plausibility of the explanation for his failure to comply, and the importance of the issues raised.’” *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir.

2008). In this case, there is no indication that the interests of justice require it to deviate from the waiver rule. Thus, the court finds that all objections are waived and ADOPTS IN FULL the R&R. Thus, the court ORDERS as follows: 1.

The R&R, ECF No. 11, is ADOPTED IN FULL. 2. Hardy’s motion for a preliminary injunction, ECF No. 5, and motion for a protective order, ECF No. 6, are DENIED AS MOOT. 3. The court DISMISSES this action WITHOUT PREJUDICE. DATED February 24, 2026. BY THE COURT:. per N. PARRISH United States District Judge