

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

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