

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Sara Michelle Nuneviller v. Department of Workforce Services, et al.

Nuneviller · No. 2:24-cv-00254-JNP-CMR · Decided January 13, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH SARA MICHELLE NUNEVILLER, ORDER ADOPTING REPORT AND Plaintiff, RECOMMENDATION TO DISMISS v. Case No. 2:24-cv-00254-JNP-CMR DEPARTMENT OF WORKFORCE Chief District Judge Jill N. Parrish SERVICES, et al., Chief Magistrate Judge Cecilia M. Romero Defendants. Magistrate Judge Cecelia M. Romero issued a Report and Recommendation, ECF No. 23, that the court dismiss Plaintiff's action without prejudice for failure to prosecute this case.

Judge Romero notified Plaintiff that a failure to file a timely objection to the recommendation could waive any objections to it. No objection was filed within the allotted time. Because no party objected to the Report and Recommendation, 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 Report and Recommendation.

Accordingly, the court ORDERS as follows: 1. The Report and Recommendation, ECF No. 23, is ADOPTED IN FULL. 2. The court DISMISSES this action without prejudice. DATED January 13, 2026 BY THE COURT United States District Court Judge