

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ROBERT W. GRAVES,)	
Plaintiff,)	Case No. CV06-395-S-EJL
vs.)	ORDER ON REPORT
GEORGE FOX UNIVERSITY,)	AND RECOMMENDATION
Defendant.)	

On May 22, 2007, United States Chief Magistrate Judge Mikel H. Williams issued a Report and Recommendation, recommending that the Defendants' motion to compel mediation and binding arbitration and stay proceedings be granted. (Dkt No. 15). Plaintiff Roberts Graves filed objections to the Magistrate Judge's report to which the Defendant has responded. (Dkt Nos. 17, 18).

Any party may challenge a Magistrate Judge's proposed recommendation by filing written objections within ten days after being served with a copy of the magistrate's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the magistrate. *Id.*; see also Fed. R. Civ. P. 72(b).

The Court has considered Mr. Graves' contentions and finds them to be without support in law or fact. The bulk of the arguments presented in the objection voice disagreement with the Magistrate Judge's recommendation and raises arguments previously made and considered by the Magistrate Judge. In particular Mr. Graves objects to the

Magistrate Judge's conclusions that the arbitration clause is not unconscionable and that all of his claims are subject to the arbitration clause.

The report and recommendation makes clear that the Magistrate Judge carefully and thoroughly considered the entire record in making his findings. (Dkt No. 15). This Court has also reviewed the record herein including the memorandums filed by both parties (Dkt Nos. 1, 5, 7, 8, 9) and the objections and responses to the report and recommendation (Dkt. Nos. 17, 18) and agrees with the conclusions of the report and recommendation. The Court finds that the Magistrate Judge identified the correct legal standards and properly applied those standards to the record. Further, the Magistrate Judge properly addressed the arguments raised by the parties, including those again raised in the objections. Accordingly, the objections are overruled and the motion to compel mediation and arbitration is granted.

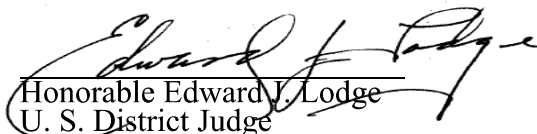
ORDER

Having conducted a *de novo* review of the objections raised by Petitioner, this Court finds that Magistrate Judge Williams' Report and Recommendation is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Chief Magistrate Judge Williams, and this Court being fully advised in the premises, **IT IS HEREBY ORDERED** that the Report and Recommendation entered on May 22, 2007, (Dkt No. 15), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety. Defendants' motion (Dkt. No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that this matter is **STAYED** pending completion of mediation and/or arbitration. In light of the Court's rulings above, the parties' stipulation (Dkt. No. 19) is **DEEMED MOOT**.

DATED: **August 16, 2007**




Honorable Edward J. Lodge
U. S. District Judge