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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Shupe,)	No. CV 13-1052-TUC-JAS (EJM)
Plaintiff,)	ORDER
vs.)	
Cricket Communications, Inc.)	
Defendant.)	

Pending before the Court is a Report and Recommendation issued by Magistrate Judge Eric J. Markovich. In his Report and Recommendation, Magistrate Judge Markovich recommends granting Defendant’s motion to dismiss. As the Court finds that the Report and Recommendation correctly resolved the motion to dismiss, Plaintiff’s objections are denied.¹

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) Magistrate Judge Markovich’s Report and Recommendation (Doc. 39) is accepted and adopted.
- (2) The motion to dismiss (Doc. 29) is granted and this case is dismissed with prejudice.
- (3) The Clerk of the Court shall enter judgment.
- (3) This case is referred back to Magistrate Judge Markovich to address any post-judgment

¹The Court reviews de novo the objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

1 motions such as Defendant's motion for attorneys' fees.

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DATED this 10th day of December, 2014.



James A. Soto
United States District Judge