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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ERIC FALCON,

Petitioner,

v.

P.T. SMITH / CDW (A),

Respondent.

No. CV 12-9873-VAP (PLA)

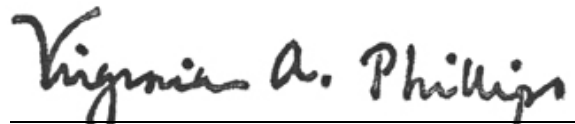
**ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's report and recommendation, and petitioner's objections. The Court agrees with the recommendations of the magistrate judge.

**ACCORDINGLY, IT IS ORDERED:**

1. The report and recommendation is accepted.
2. Respondent's Motion to Dismiss is granted.
3. Judgment shall be entered consistent with this order.
4. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: August 5, 2013



HONORABLE VIRGINIA A. PHILLIPS  
UNITED STATES DISTRICT JUDGE