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5 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8	KINGSBURG APPLE PACKERS INC. )	NO. 1:09-CV-901-AWI-JLT
9	D/B/A KINGSBURG ORCHARDS, et. al. )	
	Plaintiffs, )	ORDER ADOPTING FINDINGS AND
10	v. )	RECOMMENDATION, AND ORDER
11	BALLANTINE PRODUCE Co., Inc., et. al., )	DISMISSING THE COMPLAINT IN
12	Defendants. )	INTERVENTION OF LOBUE BROS.,
13	LOBUE BROS, INC., )	INC.
14	Intervenor Plaintiff, )	(Doc. Nos. 36, 307)
15	v. )	
16	BALLANTINE PRODUCE CO., Inc. et. al., )	
17	Defendants. )	
18	_____ )	

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20 LoBue Bros., Inc. filed a complaint in intervention in this case on July 1, 2009. See Doc.  
21 No. 36. On October 10, 2012, the Magistrate Judge issued a Findings and Recommendation  
22 (“F&R”) that recommended dismissal of LoBue Bros.’s complaint in intervention based on a  
23 failure to prosecute and obey court orders. See Doc. No. 307. The F&R was served on the  
24 parties and contained notice that any objection to the F&R was to be filed within fourteen days.  
25 No party has filed objections to the F&R or responded in any way.

26 In accordance with the provisions of 28 U.S.C. § 636(b), this Court has reviewed this  
27 case. Having carefully reviewed the entire file, the Court finds the F&R to be supported by the  
28 record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations, filed October 10, 2012 (Doc. No. 307), is  
3 ADOPTED in full; and

4 2. The LoBue Bros.'s complaint in intervention (Doc. No. 36) case is DISMISSED  
5 without prejudice.

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7 IT IS SO ORDERED.

8 Dated: November 14, 2012

  
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10 UNITED STATES DISTRICT JUDGE