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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed November 24, 2010, are adopted in full; and
 - 2. Plaintiff's motion for partial summary judgment (Dkt. No. 30) is DENIED. IT IS SO ORDERED.

Dated: February 4, 2011

MORRISON C. ENGLAND) JR.
UNITED STATES DISTRICT JUDGE