

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LM, INC.,

No. C 07-1267 SI

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE FOR FAILURE TO
PROSECUTE**

v.

PARVIZ KHAN,

Defendant.

PARVIZ KAHN,

Third Party Plaintiff,

v.

PETER SIMONS and NUTECHMART, INC.,

Third Party Defendants.

On December 18, 2008, Magistrate Judge Laporte issued a Report and Recommendation Re: Dismissal for Failure to Prosecute. No party has filed an objection to the Report and Recommendation. The Court has reviewed the file in this case and hereby ADOPTS the Report and Recommendation and DISMISSES with prejudice the sole remaining claims in this case, to wit the claims in the *Kahn v. Simons and Nutechmart* third-party complaint.

IT IS SO ORDERED.

Dated: January 26, 2009



SUSAN ILLSTON
United States District Judge