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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Reyna Narez, et al.,
Plaintiffs,
v.
NDEX West, LLC, et al.,
Defendants.

NO. C 09-00090 JW

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION; DISMISSING
WITHOUT PREJUDICE**

Presently before the Court is a Report and Recommendation from Magistrate Judge Lloyd recommending dismissal of this action pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. (Order that Case be Reassigned to a District Court Judge, Report and Recommendation, hereafter, “Recommendation,” Docket Item No. 16.)

The duties of the district court in connection with a report and recommendation of a magistrate judge are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Any party may serve and file specific written objections to a magistrate judge’s report and recommendation within ten (10) working days after being served with a copy. See 28 U.S.C. § 636 (b)(1)(C); Fed. R. Civ. P. 72(b); Civ. L.R. 72-3.

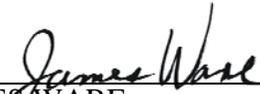
When the parties object to a report and recommendation, the district court “shall make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1); see United States v. Raddatz, 447 U.S. 667, 676 (1980). When no objections are filed, the district court need not review the report and recommendation *de novo*. Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005); United States v. Reyna-Tapia, 328 F.3d

1 1114, 1121-22 (9th Cir. 2003) (*en banc*). A district court may “accept, reject, or modify, in whole or
2 in part, the findings or recommendations made by the magistrate judge.” Fed. R. Civ. P. 72(b); 28
3 U.S.C. § 636(b)(1).

4 To date, no objection to Judge Lloyd’s recommendation has been filed. Upon review of the
5 recommendation and the procedural history in this matter, the Court ADOPTS Judge Lloyd’s report
6 and recommendation and DISMISSES Plaintiffs’ Complaint for lack of prosecution without
7 prejudice.

8 Each party shall bear their own fees and costs. The Clerk shall close this file.

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10 Dated: June 16, 2009



JAMES WARE
United States District Judge

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

John M. Sorich jsorich@adorno.com
Mitchell W. Roth fedfilings@mwroth.com
Sung-Min Christopher Yoo cyoo@adorno.com

Dated: June 16, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy