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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TRAVIS A. AVILA,

Plaintiff,

vs.

DAVE KHATRI,

Defendant.

CASE NO. 07-CV-1604 JLS (POR)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION, (2)
DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT,
AND (3) GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

(Doc. Nos. 43, 111, 129)

Presently before the Court are Plaintiff's motion for summary judgment, (Doc. No. 43) Defendant's motion for summary judgment, (Doc. No. 111) and Magistrate Judge Porter's Report and Recommendation recommending that the Court grant Defendant's motion and deny Plaintiff's motion. (Doc. No. 129.)

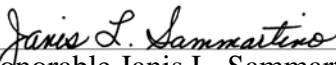
Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1) set forth the duties of a district court in connection with a magistrate judge's report and recommendation. "The district court must make a *de novo* determination of those portions of the report . . . to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. 636(b)(1)(c); see also United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989); United States v. Raddatz, 447 U.S. 667, 676 (1980). However, in the absence of timely objection, the Court need "only satisfy itself that there is no clear error on the face of the

1 record.” Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court,
2 501 F.2d 196, 206 (9th Cir. 1974)).

3 In this case, Plaintiff has failed to timely file objections to Magistrate Judge Porter’s R&R.
4 Having reviewed the R&R, the Court finds that it is thorough, well reasoned, and no contains no clear
5 error. Therefore, the Court **ADOPTS** the R&R in full. The Court hereby: (1) **ADOPTS** Magistrate
6 Judge Porter’s Report and Recommendation, (2) **DENIES** Plaintiff’s motion for summary judgment,
7 and (3) **GRANTS** Defendant’s motion for summary judgment. This order concludes the litigation in
8 this case. The Clerk shall close the file.

9 IT IS SO ORDERED.

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11 DATED: September 15, 2009



12 Honorable Janis L. Sammartino
13 United States District Judge
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