UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARL BENSON, et al.,

Plaintiffs,

v.

JERIMIAH BARRY, et al.,

Defendants.

Case No. 08cv1186-BTM (AJB)

ORDER AFFIRMING REPORT AND RECOMMENDATION OF DISMISSAL OF PLAINTIFFS' ACTION

In a Report and Recommendation filed on January 31, 2011, Magistrate Judge Battaglia recommends that this case be dismissed with prejudice. The case was previously settled, with a settlement agreement signed and consideration paid. Judge Battaglia notes that Plaintiffs have repeatedly failed to appear at required hearings and "having received settlement consideration, are no longer attending to the requirements of the Court with regard to this case." Plaintiffs did not file any objection to this report and recommendation.

In light of Plaintiffs' continued inaction, the Court agrees with Judge Battaglia's recommended disposition. Therefore, the Court orders:

1. The Report and Recommendation filed on January 31, 2011 is **ADOPTED** as the decision of this Court.
2. The case is **DISMISSED** with prejudice.

IT IS SO ORDERED.
DATED: March 14, 2011

Honorable Barry Ted Moskowitz
United States District Judge

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