IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and recommendation of United States Magistrate Judge Peggy A. Leen (Doc. # 132) is AFFIRMED in its entirety. The instant action is hereby DISMISSED for failure to prosecute this action and failure to comply with the court's order that it retain substitute counsel.

DATED this 16th day of April, 2010.

James C. Mahan U.S. District Judge