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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EVA L. DENICOLA,  
  
Plaintiff,  
  
v.  
  
WOMEN’S SPECIALTY CARE LLP,  
et al.,  
  
Defendants.

2:08-CV-1590 JCM (PAL)

**ORDER**

Presently before the court are the magistrate judge’s report and recommendation filed on March 30, 2009. Doc. #7. The magistrate judge recommends that defendants K. Warren Volker and Tammy Kelly-Layton be dismissed from the underlying matter because plaintiff has failed to state a claim upon which relief can be granted. *Id.* Plaintiff was granted thirty (30) days to file an amended complaint with regard to these defendants and failed to do so. *See* Doc. #2.

Local Rule IB 3-2 states that any party wishing to object to the findings and recommendations of a magistrate judge shall, within ten (10) days from the date of service of the findings and recommendations, file and serve specific written objections together with points and authorities in support thereof. This court then conducts a *de novo* determination of those portions of the specified findings or recommendations to which objections have been made. Here, the plaintiff has not filed any objections to the report and recommendation.

Upon review of the magistrate judge’s report and recommendations and there being no objections filed,

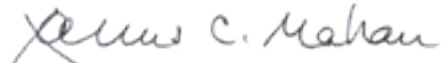
**James C. Mahan  
U.S. District Judge**

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IT IS ORDERED, ADJUDGED AND DECREED that the magistrate judge's report and recommendation (Doc. #7) is **AFFIRMED** in its entirety.

IT IS FURTHER ORDERED that defendant K. Warren Volker and defendant Tammy Kelly-Layton are **DISMISSED** with prejudice from the current action, 2:08-cv-1590.

DATED this 24<sup>th</sup> day of April, 2009.

  
UNITED STATES DISTRICT JUDGE