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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN G. LACUESTA, *et al.*,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., *et al.*,

Defendants.

Case No. 2:10-CV-00064-KJD-PAL

**ORDER**

Presently before the Court is the Report of Findings and Recommendation (#43) of Magistrate Judge Peggy A. Leen recommending that Plaintiffs' complaint be dismissed for failure to prosecute and failure to comply with the Court's prior orders (#33, 37). Though the time for doing so has passed, no objections to the magistrate judge's order have been filed. The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the Report of Findings and Recommendation (#43) of the United States Magistrate Judge entered November 8, 2010, should be adopted and affirmed.

Also before the Court are Plaintiffs' Motion for Summary Judgment (#38) and Motion to Dismiss Pursuant to Rule 37 and 41(b) (#41). Though the time for doing so has passed, Plaintiffs have failed to file any response in opposition to the motions. Accordingly, having reviewed the motions on the merits, the Court finds that no genuine issue of fact prevents granting summary

1 judgment for Defendants and against Plaintiffs. Furthermore, even if the Court did not grant the  
2 motion for summary judgment, it would grant Plaintiffs' Rule 37 and 41(b) motion.

3 IT IS THEREFORE ORDERED that the Report of Findings and Recommendation (#43) of  
4 the United States Magistrate Judge entered November 8, 2010, is **ADOPTED** and **AFFIRMED**;

5 IT IS FURTHER ORDERED that Plaintiffs' complaint is **DISMISSED with prejudice for**  
6 **to prosecute and failure to comply with the Court's prior Orders (#33, 37)**;

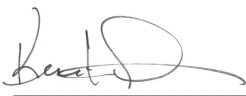
7 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#38) is  
8 **GRANTED**;

9 IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Pursuant to Rule 37 and  
10 41(b) (#41) is **DENIED as moot**;

11 IT IS FINALLY ORDERED that the Clerk of the Court enter **Judgment** for Defendants and  
12 against Plaintiffs.

13 DATED this 14<sup>th</sup> day of December 2010.

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Kent J. Dawson  
United States District Judge