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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
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JOHN MILLER,

Plaintiff,

vs.

FREDERICK LEISSLER,

Defendant.

2:10-CV-01620-PMP-RJJ

**ORDER**

Before the Court for consideration is Plaintiff John Miller’s Complaint (Doc. #3), filed on October 26, 2010. On January 11, 2011, the Honorable George Foley, Jr., United States Magistrate Judge, entered a Findings and Recommendations (Doc. #5) recommending that Plaintiff Miller’s Complaint (Doc. #3) should be dismissed.

Plaintiff Miller was given notice to file written objections with the court to Magistrate Judge Foley’s Findings and Recommendations within fourteen (14) days after being served. To date Plaintiff Miller has failed to file an Amended Complaint and/or objections to Magistrate Judge Foley’s Findings and Recommendations (Doc. #5) and the time to do so has now expired.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2 and determines that Magistrate Judge Foley’s Findings and Recommendations should be Affirmed.

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1           **IT IS THEREFORE ORDERED** that Magistrate Judge Foley's Findings  
2 and Recommendations (Doc. #5) are Affirmed and Plaintiff John Miller's Complaint  
3 (Doc. #3) is **DISMISSED** with prejudice.

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5 DATED: January 28, 2011.

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9 PHILIP M. PRO  
10 United States District Judge  
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