UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

LARRY WISENBAKER,

Plaintiff,

v.

CRAIG FARWELL, et al.,

Defendants.

3:03-cv-00500-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#108[1]) entered on June 7, 2010, recommending denying Defendants' Motion to Dismiss (#79) filed on January 5, 2010. Defendants filed their Objection to Report and Recommendation by U.S. Magistrate Judge Cooke (#111) on July 6, 2010. Plaintiff filed a response (#115) on August 13, 2010. Defendants filed a reply (#117) on August 23, 2010. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the

[1]Refers to court's docket number.

Magistrate Judge's Report and Recommendation (#108) entered on June 7, 2010, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#108) entered on June 7, 2010, is adopted and accepted, and Defendant's Motion to Dismiss (#79) is DENIED.

IT IS SO ORDERED.

DATED this 24th day of August, 2010.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE