Michael Davitt v. Tim Vidrine, et al Doc. 47

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL DAVITT,	)	3:07-CV-00578-ECR-RAM
Plaintiff,	)	MINUTES OF THE COURT
vs.	)	DATE: March 11, 2009
TIM VIDRINE, et al.,	)	
Defendants.	)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On February 10, 2009, the Magistrate Judge filed a Report and Recommendation (#44) recommending that Defendants' Motion to Dismiss (#16) be granted except as to Count IV and that Plaintiff should be permitted to refile his complaint so that the claims in Count IV could be considered by the Court. The Complaint (#4) as filed is missing page 6B; thus, analysis of whether Count IV stated a plausible claim for relief could not be conducted.

Plaintiff's Objections (#45) to the Report and Recommendation (#44) are not well taken and are overruled.

IT IS, THEREFORE, HEREBY ORDERED that the Report and Recommendation (#44) is **APPROVED** and **ADOPTED**. **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss (#16) is **GRANTED** except as to Count IV.

Plaintiff shall have fifteen (15) days within which to refile his complaint with all pages so that Count IV can be viewed. Thereafter, Defendants shall have twenty (20) days within which to respond to Count IV of the complaint.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk

Dockets.Justia.com