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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERMAINE ROBINSON,)	3:08-cv-00389-HDM-VPC
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
JAMES BACA, et al.,)	
)	
Defendants.)	
)	

The court has considered the report and recommendation of the United States Magistrate Judge (#58) filed on August 25, 2010, in which the Magistrate Judge recommends that this court enter an order granting defendants' motion for summary judgment (#36). Plaintiff opposed the motion for summary judgment (#45), and defendants replied (#53). No objections to the report and recommendation have been filed and the time for doing so has expired. The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the

1 court hereby

2 ADOPTS AND ACCEPTS the report and recommendation of the
3 United States Magistrate Judge (#58). The court notes that in
4 his opposition to the motion for summary judgment, plaintiff
5 argues that he has been unable to procure affidavits necessary to
6 support his opposition. He therefore asserts that the
7 defendants' motion should be denied pursuant to Fed. R. Civ. P.
8 56(f). However, plaintiff does not explain how such affidavits
9 would create a genuine issue of material fact. Accordingly,
10 plaintiff's Rule 56(f) argument amounts to a conclusory assertion
11 insufficient to overcome the grant of summary judgment to
12 defendants. Therefore, defendants' motion for summary judgment
13 (#36) is **GRANTED**. The clerk of the court shall enter judgment
14 accordingly.

15 **IT IS SO ORDERED.**

16 DATED: This 15th day of September, 2010.

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UNITED STATES DISTRICT JUDGE