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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

TOMMIE LEE MCDOWELL JR., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RICHARD RIMINGTON, )  
 )  
Defendant. )  
\_\_\_\_\_ )

3:09-cv-00315-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#86<sup>1</sup>) entered on February 8, 2011, recommending denying Defendant’s Motion for Summary Judgment (#75) filed on November 15, 2010. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the 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 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 Magistrate Judge’s Report and Recommendation (#86) entered on February 8, 2011, should be adopted and accepted.

<sup>1</sup>Refers to court’s docket number.

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IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#86) entered on February 8, 2011, is adopted and accepted, and Defendant's Motion for Summary Judgment (#75) is DENIED.

IT IS SO ORDERED.

DATED this 5th day of March, 2011.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE