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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

MARRITTE FUNCHES, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ELDON K. MCDANIEL, *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_ )

3:10-cv-00127-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#32<sup>1</sup>) entered on July 29, 2011, recommending denying Defendant’s Motion to Dismiss (#17) filed on February 28, 2011. 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 (#32) entered on July 29, 2011, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation (#32)

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

1 entered on July 29, 2011, is adopted and accepted, and Defendant's Motion to Dismiss (#17) is  
2 DENIED.

3 IT IS SO ORDERED.

4 DATED this 13th day of September, 2011.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

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