UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CHRISTOPHER A. JONES, Plaintiff, v. HOWARD SKOLNIK, *et al.*, Defendants.	)	3:10-cv-00162-LRH-VPC O R D E R

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#109[1]) entered on February 28, 2012, recommending granting in part and denying in part Defendants' Motion to Dismiss (#39) filed on April 8, 2011. Defendants filed their Partial Objections to Magistrate Judge's Report and Recommendation (#111) on March 13, 2012. Plaintiff filed his Response to Defendants' Partial Objections to Magistrate Judge's Report and Recommendation (#117) on March 29, 2012. This 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 partial objections of the Defendants, Plaintiff's response to the partial objections, and the pleadings and

[1]Refers to court's docket number.

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 (#109) entered on February 28, 2012, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#109) entered on February 28, 2012, is adopted and accepted, and Defendants' Motion to Dismiss (#39) is **GRANTED in part and DENIED in part** as follows:

(1) Defendants' Motion to Dismiss count III against Defendant Berry and count IV against Defendant Thackwell is **GRANTED**, and these claims are **DISMISSED with prejudice**;

(2) Defendants' Motion to Dismiss count I and count IV against Defendant Berry is **DENIED**.

IT IS SO ORDERED.

DATED this 30th day of March, 2012.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE