1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 DISTRICT OF NEVADA 8 9 KELLY KOERNER, 10 Plaintiff, 3:11-cv-00116-LRH-VPC 11 v. ORDER JAMES GREG COX, et al., 12 13 Defendants. 14 15 Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. 16 Cooke (#105¹) entered on August 21, 2013, recommending granting Defendants' Motion for Summary 17 Judgment (#64) filed on December 6, 2012. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#111) on September 23, 2013. Defendants filed an Opposition to Plaintiff's 18 19 Objections to Magistrate Judge's Report and Recommendation (#) on October 7, 2013. 20 In addition, Plaintiff has filed a Motion to Allow Late Reply Re Doc. 112 (#116) on November 21 25, 2013, seeking to file his Reply to Opposition to Objections to R&R (#116-1). Defendants filed 22 their Opposition to Plaintiff's Motion to Allow Late Reply (#117) on November 26, 2013, and Plaintiff 23 filed his Reply to Defendants' Doc. 117 to Allow Plaintiff's Doc. 116 to Be Construed as a Sur-Reply 24 (#121) on December 3, 2013. 25 26 ¹Refers to court's docket number.

Koerner v. Cox et al

Doc. 130

Local Rule IB 3-2 does not entitle a party to file a reply to a response to any opposition to a report and recommendation. Nonetheless, the court has considered Plaintiff's reply in reaching its determination.

This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) 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 objections of Plaintiff, Defendants' opposition to the objections, Plaintiff's reply, 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 (#105) entered on August 21, 2013, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#105) entered on August 21, 2013, is adopted and accepted, and Defendants' Motion for Summary Judgment (#64) is **GRANTED in its entirety**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Allow Late Reply Re Doc. 112 (#116) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED this 23rd day of January, 2014.

LARRY R. HICKS

UNITED STATES DISTRICT JUDGE

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