UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

RICHARD DEEDS,

Plaintiff,

v.

J. BRUCE BANNISTER; *et al.*,

Defendants.

3:11-cv-00351-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#56[1]) entered on January 8, 2013, recommending granting Defendants' Partial Motion to Dismiss Plaintiff's Revised Second Amended Complaint (#36) filed on July 23, 2012. Plaintiff filed his Objections to Report and Recommendation of U.S. Magistrate Judge (#58) on January 24, 2013. Defendants filed their Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#60) on February 1, 2013. Plaintiff also filed an Errata to his objections (61) on February 14, 2013.

Also before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#59) entered on January 25, 2013, recommending denying Plaintiff's Motion for a Preliminary Injunction (#40) filed on August 16, 2012, and denying Plaintiff's Motion for a Temporary Restraining

[1]Refers to court's docket number.

Order (#49) filed on October 3, 2012. No objections or responses to objections have been filed.

These actions were 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 the Plaintiff, the response of the Defendants, 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 (#56) entered on January 8, 2013, and Report and Recommendation (#59) entered on January 25, 2013, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#56) entered on January 8, 2013, and Report and Recommendation (#59) entered on January 25, 2013, are adopted and accepted.

IT IS FURTHER ORDERED that Defendants' Partial Motion to Dismiss Plaintiff's Second Amended Complaint (#36) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's ADA claim, i.e., Count I of Plaintiff's Revised Second Amended Complaint is **DISMISSED with prejudice.**

IT IS FURTHER ORDERED that Plaintiff's First Amendment Retaliation claim, i.e., Count II of Plaintiff's Revised Second Amended Complaint **PROCEED as the only claim remaining** in this litigation.

IT IS FURTHER ORDERED that Plaintiff's Motion for a Preliminary Injunction (#40) and Motion for a Temporary Restraining Order (#49) are DENIED.

IT IS SO ORDERED.

DATED this 25th day of March, 2013.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE