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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JEFFREY S. PATERSON,)	3:11-cv-00845-HDM-WGC
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
PATTERSON, et al.,)	
)	
Defendants.)	
_____)	

The court has considered the report and recommendation of the United States Magistrate Judge (#131) filed on September 18, 2012, in which the magistrate judge recommends granting the defendants' motion to dismiss (#22) and dismissing without prejudice the two unserved defendants, Adolph Stankus and Patterson. No objections to the report and recommendation have been filed, and the time for doing so has expired.¹

The court has considered the pleadings and memoranda of the

¹ As of this date, plaintiff has not filed any objections despite receiving an extension of time to November 15, 2012, in which to do so.

1 parties and other relevant matters of record and has made a review
2 and determination in accordance with the requirements of 28 U.S.C.
3 § 636 and applicable case law, and the court hereby accepts and
4 adopts the report and recommendation of the United States
5 Magistrate Judge (#31).

6 Accordingly, the defendants' motion to dismiss Count II of
7 plaintiff's complaint (#22) is hereby **GRANTED**, and Count II of
8 plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. Further, the
9 unserved defendants Adolph Stankus and Patterson are **DISMISSED**
10 **WITHOUT PREJUDICE**.

11 **IT IS SO ORDERED.**

12 DATED: This 17th day of December, 2012.

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15 UNITED STATES DISTRICT JUDGE
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