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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RICHARD CAPRI,

Plaintiff,

v.

JAMES COX, *et al.*,

Defendants.

CASE NO.: 3:12-CV-00417-RCJ-VPC

**ORDER**

Before the Court is the Report and Recommendation of U.S. Magistrate Judge (#79<sup>1</sup>) entered on July 1, 2014, recommending that Defendants' Motion for Summary Judgment (#66) be granted. Plaintiff filed his Objection to the Report and Recommendation (#83) on August 26, 2014, and Defendants' filed their Opposition to Plaintiff's Objections to the Report and Recommendation (#85) on September 5, 2014.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, 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 (#79) entered on July 1, 2014, should be adopted and accepted.

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#79) is ADOPTED AND ACCEPTED,

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#66) is GRANTED.

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<sup>1</sup>Refers to court's docket number.

1 IT IS FURTHER ORDERED that Count III is DISMISSED.

2 IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss Defendant Gedney (#70) is  
3 DENIED as MOOT.

4 IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to file a Sur-Reply (#78) is  
5 GRANTED *NUNC PRO TUNC*.

6 IT IS FURTHER ORDERED that Defendants' Motion for Leave to File Exhibit B Under Seal  
7 (#84) is GRANTED.

8 IT IS FURTHER ORDERED that Plaintiff's Motion for Extension of Time to Respond to  
9 Defendants' Opposition (#88) is DENIED as MOOT.

10 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment accordingly and close  
11 this case.

12 IT IS SO ORDERED.

13 DATED: this 31<sup>st</sup> day of October, 2014.

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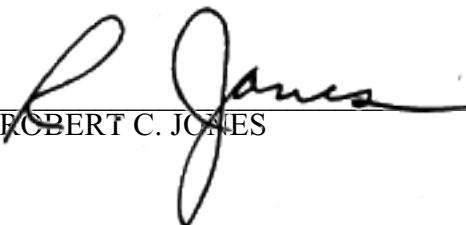
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ROBERT C. JONES