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NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CARLOS RIBEIRO, Plaintiff,	:	Civil Action No.12-5730 (SRC)
v.	:	**OPINION**
MRS ASSOCIATES, INC., Defendant.	:	

CHESLER, District Judge

This matter comes before this Court on the motion to dismiss for failure to state a valid claim for relief, pursuant to Federal Rule of Civil Procedure 12(b)(6), by Defendant MRS Associates, Inc. ("MRS"). The motion is unopposed. Defendant contends that, on July 11, 2012, the parties entered into a settlement agreement resolving prior litigation, that the settlement agreement covered all claims that were or should have been asserted in that litigation, and that the Complaint in the instant case raises only claims that should have been asserted in the prior litigation. This Court construes Plaintiff's failure to oppose the motion to dismiss as a concession that Defendant is correct. The motion to dismiss will be granted, and the Complaint will be dismissed with prejudice.

s/Stanley R. Chesler
STANLEY R. CHESLER, U.S.D.J.

Dated: December 13, 2012

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