

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-662-D

POLYZEN, INC.,)
)
 Plaintiff,)
)
 v.)
)
 RADIADYNE, LLC,)
)
 Defendant.)

ORDER

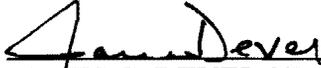
On August 31, 2012, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 29]. In the M&R, Judge Gates recommended that the court deny defendant’s motion to dismiss without prejudice [D.E. 10].¹ Neither party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. The court agrees with Magistrate Judge Gates’s conclusions and adopts the M&R [D.E. 29]. Defendant’s motion to dismiss for lack of jurisdiction and to correct ownership [D.E. 10] is DENIED without prejudice.

¹ In the M&R, Magistrate Judge Gates cites defendant’s motion as [D.E. 20]. The citation should be [D.E. 10] (Radiadyne’s motion to dismiss and to correct ownership).

SO ORDERED. This 13 day of September 2012.



JAMES C. DEVER III
Chief United States District Judge