

IN THE UNITED STATES DISTRICT COURT **CLERK'S OFFICE U.S. DIST. COURT**
 FOR THE WESTERN DISTRICT OF VIRGINIA **AT ROANOKE, VA**
 HARRISONBURG DIVISION **FILED**

JAN 14 2013

JULIA C. DUDLEY, CLERK
 BY: *[Signature]*
 DEPUTY CLERK

MICHAEL J. NASSER, SR.,)

Plaintiff,)

v.)

WHITEPAGES, INC.,)

Defendant.)

Civil Action No.: 5:12cv097

By: Hon. Michael F. Urbanski
United States District Judge

ORDER

This matter was referred to the Honorable B. Waugh Crigler, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The Magistrate Judge filed a report and recommendation on December 20, 2012 recommending that defendant's motion to dismiss for failure to state a claim be granted. No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** that the defendant's **Motion to Dismiss (Dkt. No. 9)** is **GRANTED**, plaintiff's **Motion for Default Judgment (Dkt. No. 6)** and **Motion for Entry of Default (Dkt. No. 15)** are **DENIED as moot**, and that this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to all counsel of record and plaintiff, proceeding pro se.

Entered: January 14, 2013

[Signature: Michael F. Urbanski]

Michael F. Urbanski
 United States District Judge