

GARY KENDALL,
Plaintiff,

vs.

ACER, INC., et al.,
Defendant.

)
) Case No. CV09-305-S-EJL
)
) ORDER ADOPTING REPORT
) AND RECOMMENDATION
)
)

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” Moreover, this Court “shall make a de novo determination of those portions of the report which objection is made.” *Id.* In United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003), the court interpreted the requirements of 28 U.S.C. 636(b)(1)(C):

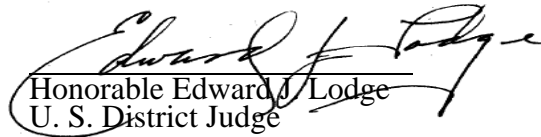
See also Wang v. Masaitis, 416 F.3d 993, 1000 & n.13 (9th Cir. 2005). In this case, no objections were filed so the Court need not conduct a de novo determination of the Report and Recommendation.

THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 8) shall be **INCORPORATED** by reference and **ADOPTED** in its entirety.

IT IS THEREFORE ORDERED that Plaintiff's Complaint (Docket No. 2) be **DISMISSED** without prejudice. Because this Court lacks jurisdiction, it is further ordered that Plaintiff's Petition for Parity (Docket No. 5) be **DENIED** as **MOOT**.

DATED: **March 4, 2010**




Honorable Edward J. Lodge
U. S. District Judge