

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DAVID P. HUNT,)	
)	
Plaintiff,)	Case No. CV08-69-S-EJL
)	
vs.)	ORDER ON REPORT AND
)	RECOMMENDATION
TEAM PERFORMANCE, INC., et al,)	
)	
Defendants.)	

On May 18, 2009, United States Chief Magistrate Judge Candy W. Dale issued a Report and Recommendation, recommending that Defendants' renewed motion to dismiss be denied. Any party may challenge a Magistrate Judge's proposed recommendation by filing written objections within ten days after being served with a copy of the magistrate's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). The district court must then "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* The district court may accept, reject, or modify in whole or in part, the findings and recommendations made by the magistrate. *Id.*; see also Fed. R. Civ. P. 72(b). No objections to the report and recommendation were filed. The Court has reviewed the report and recommendation, the parties' briefing on the motions, briefing, and the entire record in these matters. Based upon this review, the Court finds the report and recommendation has correctly decided the motions.

ORDER

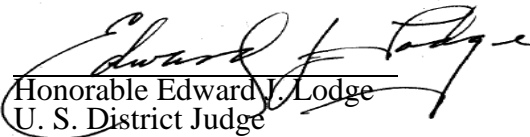
Having conducted a *de novo* review of the Report and Recommendation, this Court finds that Chief Magistrate Judge Dale's Report and Recommendation (Dkt. No. 31) is well founded in law and consistent with this Court's own view of the evidence in the record. Acting on the recommendation of Chief Magistrate Judge Dale, and this Court being fully advised in the premises,

IT IS HEREBY ORDERED that the Report and Recommendation entered on May 18, 2009, (Dkt. No. 31), should be, and is hereby, **INCORPORATED** by reference and **ADOPTED** in its entirety.

IT IS FURTHER ORDERED that Defendants' Renewed Motion to Dismiss (Dkt. No. 25) is **DENIED**.



DATED: July 8, 2009


Honorable Edward J. Lodge
U. S. District Judge