

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

JUN 6 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY [Signature] DEPUTY CLERK

WARNER BROS. RECORDS, INC., et al,)
)
Plaintiff)
)
v.)
)
)
JOSE DUARTE,)
)
Defendant)

CIVIL NO. SA-06-CA-615-OG

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

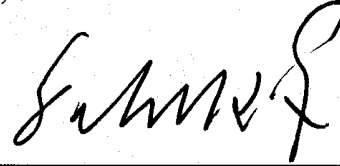
On this date came on to be considered the memorandum and recommendation of United States Magistrate Judge John W. Primomo, filed in the above-styled and numbered cause on May 2, 2007. (Dkt. # 28). The parties were served with a copy of the recommendation, and no objections have been filed.¹ Where no party has objected to the Magistrate Judge's memorandum and recommendation, the Court need not conduct a de novo review. Instead, the Court need only review the recommendation and determine whether it is either clearly erroneous or contrary to law. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989).

The Court has reviewed the memorandum and recommendation and finds it to be neither clearly erroneous nor contrary to law. It is therefore ORDERED that the recommendation of United States Magistrate Judge John Primomo be and is hereby ACCEPTED pursuant to 28 U.S.C. § 636(b)(1); it is further ORDERED that Defendant's motion to dismiss and for summary judgment

¹A party desiring to object to a magistrate judge's findings and recommendations must file and serve written objections within ten days after being served with the recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). Service is made to the last known address of the party or her attorney, and service by mail is complete upon mailing. FED. R. CIV. P. 5(b).

(Dkt. # 22) is DENIED. The parties shall proceed under the scheduling order currently in effect, unless Judge Primomo orders otherwise.

SIGNED and ENTERED on the 6 day of June, 2007.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE