

September 6, 2010, but the Complaint was not filed until September 6, 2012. Plaintiff has conceded that the claim is time-barred and should be dismissed. Doc. #18.

On May 16, 2013, the United States Magistrate Judge issued a Report and Recommendation, recommending that Defendant's motion be granted and that Count One be dismissed with prejudice. Doc. #19. No objections have been filed. The Court therefore ADOPTS the Report and Recommendation, Doc. #19, SUSTAINS Defendant's Motion to Dismiss Count One of the Complaint, Doc. #12, and DISMISSES that claim WITH PREJUDICE.

Date: July 11, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE