

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AUSTIN E. JAMES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 09-00254-KD-B
)	
BALDWIN BONE & JOINT, P.C.,)	
et al.,)	
)	
Defendants.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B), dated October 6, 2009, is **ADOPTED** as the opinion of this Court. Accordingly, defendants’ motions to dismiss are **DENIED**.

DONE this 4th day of November, 2009.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE