

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

HEARTLAND BARGE MANAGEMENT, *
L.L.C., *

Plaintiff, *

vs. *

Civil Action No. 09-00585-KD-B

DIXIE PELLETS, L.L.C., *et al.*, *

Defendants. *

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues 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) and dated February 2, 2010, is **ADOPTED** as the opinion of this Court. Plaintiff is granted leave to file an amended complaint by **March 8, 2010**.

DONE and ORDERED this the **22nd** day of **February 2010**.

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