

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

<b>LOXLEY SOUTH, L.L.C.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 10-00024-KD-N</b>
	)	
<b>WESTERN EXPRESS, INC.,</b>	)	
<b>WAYNE W. WISE, DONNA WISE, and</b>	)	
<b>JPMORGAN CHASE BANK, N.A.,</b>	)	
	)	
<b>Defendants.</b>	)	

**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) and dated April 29, 2010 (doc. 32) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the motion to dismiss filed by Defendants Wayne W. Wise and Donna Wise (doc. 13) be and is hereby **GRANTED**, and defendants Wayne W. Wise and Donna Wise are **dismissed without prejudice** from this action.

**DONE** this May 19, 2010.

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