

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

BRENDA BALBUENA, :  
 :  
 Plaintiff, :  
 :  
 vs. : Civil Action No. 14-0188-KD-C  
 :  
 JOHN M. MCHUGH, Secretary, :  
 Department of the Army, *et al.*, :  
 :  
 Defendants. :

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated September 24, 2015 is **ADOPTED** as the opinion of this Court.

Accordingly, Defendants' motion to dismiss (doc. 23) is GRANTED. This action is dismissed for failure to state a claim upon which relief could be granted. *See* Fed. R. Civ. P. 12(b)(6).

**DONE** this 21st day of October 2015.

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