

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

JULIO VIRGEN,)	
<i>on behalf of himself and other</i>)	
<i>persons similarly situated,</i>)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 17-00198-KD-N
)	
US COATINGS, INC.,)	
Defendant.)	

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendations of the Magistrate Judge (Doc. 36) made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated September 15, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the various requests for sanctions (Doc. 35) made by Defendant U.S. Coatings, Inc. (“USC”) are **DENIED**, that USC’s request to dismiss or strike the complaint as frivolous under S.D. Ala. CivLR 41(d) (Doc. 35) and its pending motion for summary judgment (Doc. 14) are both **DENIED as moot**, and that the Plaintiff’s motion to voluntarily dismiss under Federal Rule of Civil Procedure 41(a)(2) (Doc. 32) is **GRANTED in part** and **DENIED in part** such that all claims asserted in this action by the natural person Plaintiff, who has identified himself as Julio Virgen in this action but may go by other names, aliases, identities, etc., are **DISMISSED with prejudice**.

DONE and **ORDERED** this the 4th day of October 2017.

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