

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

<b>UNITED STATES OF AMERICA</b>	)	
<i>ex rel.</i> <b>STEPHANIE STRONG</b>	)	
<b>BLANKENSHIP,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 2:19-00104-KD-N</b>
	)	
<b>LINCARE, INC. and LINCARE</b>	)	
<b>HOLDINGS, INC.,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

After due and proper consideration of the issues raised, and a de novo determination of those portions of the recommendation to which objection (Doc. 34) is made, the Report and Recommendation of the Magistrate Judge (Doc. 33) 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 January 29, 2021, is ADOPTED as the opinion of this Court.

Accordingly, it is ORDERED as follows:

- 1) that the motion to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6) (Doc. 25) filed by Defendant Lincare, Inc. is GRANTED as to Counts I and II, is also GRANTED as to denial of further leave to amend Counts I and II, and is DENIED as to Count III;
- 2) that Relator Blankenship’s request for leave to further amend her complaint, embedded within her response brief, is DENIED; and
- 3) that Counts I and II are DISMISSED under Rule 12(b)(6) with prejudice as to Relator Blankenship, but without prejudice as to the United States.

DONE and ORDERED this the 18th day of February 2021.

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