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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 20, 2013, are adopted in full;
2. Respondent's January 23, 2013 motion to dismiss (ECF No. 32) is denied; and
3. Respondent shall file and serve an answer within thirty days from the service of this order; petitioner shall file and serve his traverse thirty days thereafter.

DATED: August 8, 2013.


UNITED STATES DISTRICT JUDGE