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1. The Findings and Recommendations filed January 19, 2016 (ECF No. 49) are
ADOPTED IN FULL.

2. Defendants' Motion to Dismiss (ECF No. 33) is DENIED without prejudice to the
filing of a motion for summary judgment on the same matter after fuller development of the
record.

IT IS SO ORDERED.

Dated: February 17, 2016



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT