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Accordingly, IT IS HEREBY ORDERED:

1. The amended findings and recommendations filed February 22, 2023, are adopted in full.
2. Defendant’s motion for summary judgment (ECF No. 106) is denied as moot.
3. This action is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
4. The Clerk of Court shall close this case.

DATED: March 29, 2023.

  
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CHIEF UNITED STATES DISTRICT JUDGE