

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

PEARLIE LYONS,

Plaintiff,

v.

Case No: 2:08-cv-76-FtM-36DNF

THOMAS J. KENDER, Vice President and
Controller, NATIONAL EXPRESS GROUP,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation of the Honorable Douglas N. Frazier, United States Magistrate Judge, Middle District of Florida. The Report and Recommendation (Doc. 44) dated January 20, 2010, recommended that this action be dismissed with prejudice because Plaintiff, despite several attempts, has failed to state a cause of action upon which relief may be granted. Specifically, in her employment discrimination action under Title VII of the Civil Rights Act of 1964, Plaintiff Pearlie Lyons has failed to allege that she was an employee and employed by the Defendant and failed to allege that she exhausted her administrative remedies.

The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has expired. After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction

with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

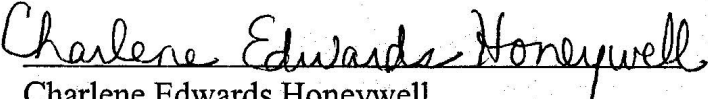
ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. The Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. 36) is GRANTED. This case is dismissed with prejudice.

3. The Clerk is directed to terminate all motions and deadlines, enter judgment accordingly and close this case.

DONE AND ORDERED in Ft. Myers, Florida, on March 17, 2010.


Charlene Edwards Honeywell
United States District Judge

COPIES FURNISHED TO:

Magistrate Judge Douglas N. Frazier
Counsel of Record