

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

RICHARD LEE QUICK, JR.,

Plaintiff,

vs.

Case No. 3:10-cv-133-J-32JBT

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

ORDER

This case is before the Court on defendant's Motions to Dismiss (Doc. 25 and 33) for lack of subject matter jurisdiction and for failure to state a claim, and pro se plaintiff's responses thereto (Doc. 28 and 36). The assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 37), recommending that defendant's Motions to Dismiss be granted and that plaintiff's case be dismissed without prejudice. Plaintiff filed objections to the Report and Recommendation (Doc. 38) to which defendant responded (Doc. 39).

Upon independent review of the file, and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge (Doc. 37), the Court finds plaintiff's objections are due to be overruled and the Report and Recommendation adopted as the opinion of the Court. Accordingly, it is hereby


ORDERED:

1. Plaintiff's objections to the Report and Recommendation (Doc. 38) are

OVERRULED and the Report and Recommendation (Doc. 37) of the Magistrate Judge is **ADOPTED** as the opinion of the Court.

2. Defendant's Motions to Dismiss (Doc. 25 and 33) are **GRANTED**.
3. Plaintiff's case is **dismissed without prejudice**.
4. All other pending motions are denied as moot.
5. The Clerk is directed to **close** the file.

DONE AND ORDERED at Jacksonville, Florida this 31st day of May, 2011.


TIMOTHY J. CORRIGAN
United States District Judge

s.
Copies:

Honorable Joel B. Toomey
United States Magistrate Judge

counsel of record
pro se plaintiff