

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

DALE LIMOGES,

Plaintiff,

v.

Case No: 6:15-cv-616-Orl-40TBS

US DEPARTMENT OF HOMELAND  
SECURITY and SOCIAL SECURITY  
ADMINISTRATION,

Defendants.

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**ORDER**

This cause is before the Court on Defendants' Motion to Dismiss (Doc. 15) filed on August 17, 2015. The United States Magistrate Judge has submitted a report recommending that the motion be granted in part and denied in part.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed October 2, 2015 (Doc. 19), is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Motion to Dismiss Count II (Doc. 15) is **GRANTED without prejudice**.
3. The Motion to Dismiss Count I (Doc. 15) is **DENIED**.
4. Plaintiff is **DIRECTED** to file an amended complaint which complies with the Report and Recommendation within fourteen (14) days of the date of this Order.

**DONE AND ORDERED** in Orlando, Florida on October 21, 2015.

  
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PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties