

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

MARCIA TURNER,

Plaintiff,

vs.

NEPTUNE TOWING & RECOVERY, INC.,

Defendant.

_____ /

Consolidated with

Consolidated Case No. 8:09-CV-1071-T-27AEP

NEPTUNE TOWING & RECOVERY, INC.,

Plaintiff,

vs.

DRUMBEAT II, et al.,

Defendants.

_____ /


ORDER

BEFORE THE COURT is the Magistrate Judge’s Report and Recommendation (Dkt. 76) recommending that Turner’s motion to dismiss Neptune’s amended verified complaint (Dkt. 34) be granted. Neither party filed timely objections to the Report and Recommendation. After careful consideration of the Report and Recommendation in conjunction with an independent examination of the file, the Report and Recommendation (Dkt. 76) is adopted, confirmed, and approved in all respects and is made part of this order for all purposes, including appellate review.

Accordingly, Turner’s motion to dismiss (Dkt. 34) is **GRANTED**. Neptune’s amended verified complaint (Case No. 8:09-cv-2475-T-27AEP, Dkt. 15) is dismissed without prejudice.

Neptune is granted leave to file a second amended complaint within 10 days.

DONE AND ORDERED this 12th day of April, 2010.


JAMES D. WHITTEMORE
United States District Judge

Copies to: Counsel of Record