

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

HILTON MINISTRIES, INC.,

Plaintiff,

v.

Case No. 8:13-cv-1793-T-33TBM

CITY OF AVON PARK, FLORIDA,  
et al.,

Defendants.

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**ORDER**

This matter is before the Court pursuant to the Motion to Dismiss filed on August 1, 2013, by Defendant Central Florida Regional Planning Council and former Defendant Jennifer Codo-Salisbury. (Doc. # 23).<sup>1</sup> The Motion seeks dismissal of Plaintiff's claims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

The instant Motion was filed on August 1, 2013. Pursuant to Local Rule 3.01(b) and Rule 6(d), Fed. R. Civ. P., the deadline for Plaintiff to file a response in opposition to the Motion was, at the latest, August 19, 2013. Plaintiff, who is represented by counsel, has failed to file a response to the Motion in the time provided by the Rules. Accordingly, the

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<sup>1</sup> Defendant Jennifer Codo-Salisbury was terminated as a defendant in this matter pursuant to Plaintiff's Notice of Dismissal Without Prejudice of Defendant Jennifer Codo-Salisbury (Doc. # 27), filed on August 12, 2013.

Court considers the Motion to be unopposed.


Upon due consideration of the Motion and the record before the Court, the Court grants the Motion to the extent that Plaintiff's claims against Defendant Central Florida Regional Planning Council are dismissed. This action remains pending between Plaintiff and Defendants City of Avon Park and Wes Hoagland.<sup>2</sup>

Accordingly, it is hereby

**ORDERED, ADJUDGED, and DECREED:**

- (1) Defendants Jennifer Codo-Salisbury and Central Florida Regional Planning Council's Motion to Dismiss (Doc. # 23) is **GRANTED**.
- (2) The Clerk is directed to terminate Central Florida Regional Planning Council as a defendant in this matter.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 20th day of August, 2013.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record

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<sup>2</sup> As of the date of this Order, Plaintiff has not effected service of process upon Defendant Wes Hoagland. (Doc. # 14).