

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

GERALD BUTLER,

Plaintiff,

vs.

CASE NO.: 1:07-cv-22-SPM-GRJ

JOHN E. POTTER,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 81). The Parties have each been mailed a copy and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 81) is **adopted** and incorporated by reference in this order.
2. Defendant's Motion to Dismiss (doc. 72) is **denied**.

DONE AND ORDERED this second day of May, 2011.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge