

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

GERALD E. BUTLER

Plaintiff,

v.

Case No. 1:07cv22-SPM/GRJ

JOHN E. POTTER, POSTMASTER GENERAL,  
UNITED STATES POSTAL SERVICE,

Defendant.

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**ORDER**

This cause comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 94) which recommends that Defendant's Motion for Summary Judgment (doc. 73) be granted. Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff filed objections (doc. 95). Upon consideration, I have determined that the Report and Recommendation should be adopted despite Plaintiff's objections.

Accordingly, it is hereby ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 94) is **adopted** and incorporated by reference into this order; and
2. Defendant's Motion for Summary Judgment (doc. 73) is **granted**.

3. The Clerk is directed to enter judgment in favor of Defendant and close this case.

**DONE AND ORDERED** this 26th day of September, 2011.

*S/ Stephan P. Mickle*  
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Stephan P. Mickle  
Senior United States District Judge