

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

MICHAEL C CARTER,

Plaintiff,

v.

CASE NO. 1:08-cv-00150-MP-AK

MICHAEL J ASTRUE,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 13, Report and Recommendation of the Magistrate Judge, recommending that Defendants motion to dismiss, Doc. 11, be granted. The time for filing objections has passed, and none have been filed. The Court agrees that the case found at 1-06-cv-185 renders the current case unnecessary. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The Motion to Dismiss (doc. 11) is granted, and the Clerk is directed to close this file.

**DONE AND ORDERED** this 25th day of November, 2008

*s/Maurice M. Paul*

Maurice M. Paul, Senior District Judge