

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

LESSIE M. MCKINNEY, et al.,

Plaintiffs,

vs.

1:08-CV-249-SPM

UNITED STATES OF AMERICA,

Defendant,

_____ /

ORDER

THIS CAUSE comes before the Court on Defendant's Motion to Dismiss Count II of Plaintiffs' Complaint (doc. 21) and Plaintiffs' Response (doc. 23). As the Plaintiffs have withdrawn Count II pursuant to the Notice of Withdrawal (doc. 22), it is hereby **ORDERED AND ADJUDGED** that the Defendant's Motion to Dismiss (docs. 21) is *denied as moot*.

DONE AND ORDERED this first day of March, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge