

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

DEWITT L. DAILEY, JR.,

Plaintiff,

vs.

CASE NO.: 1:12-cv-35-SPM/GRJ

ARAMARK FOOD ENTERPRISES,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 11) which recommends that this case be dismissed for failure to state a claim. Plaintiff has been afforded an opportunity to file objections, but no objections have been filed. Upon consideration, I have determined that the Report and Recommendation is accurate and should be adopted. Accordingly, it is

**ORDERED and ADJUDGED:**

1. The Magistrate Judge's Report and Recommendation (doc. 11) is **adopted** and incorporated by reference into this order.
2. This case is **dismissed without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be

granted.

3. The Clerk is directed to close this case.

DONE AND ORDERED this 26th day of June, 2012.

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