

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

**BRANDON RICARDO SMITH,**

**Plaintiff,**

**v.**

**Case No. 1:16cv2-MW/GRJ**

**BI-LO HOLDINGS LLC**

**Defendant.**

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**ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 69. Upon consideration, no objections having been filed by the parties,

**IT IS ORDERED:**

The report and recommendation is **accepted and adopted** as this Court's opinion. Plaintiff's motion for summary judgment, ECF No. 59, is **DENIED**.

This case is remanded to the Magistrate Judge for further proceedings.

**SO ORDERED on April 17, 2017.**

**s/Mark E. Walker**

**United States District Judge**