

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**

**WINN-DIXIE STORES, INC.,**

**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. 74. 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. The Defendant's motion to dismiss or stay this case, ECF No. 67, is **DENIED**. Plaintiff is further **ORDERED** to make bi-weekly payments to the Defendant in the amount of \$50.00, beginning with Plaintiff's first full pay period

following the entry of this Order.<sup>1</sup> Finally, the Clerk is directed to set this matter for a telephonic status conference and issue a notice for trial.

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

**s/Mark E. Walker**  
**United States District Judge**

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<sup>1</sup> Plaintiff was ordered on January 24, 2017, ECF No. 64, to pay attorney's fees to Defendant in the amount of \$7,316.80. (Payable to Defendant's counsel.)