

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

**KISMET COOKE,**

**Plaintiff,**

**vs.**

**CASE NO.: 3:08cv527/MCR/MD**

**ADVANCED FIRE PROTECTION,**

**Defendant.**

\_\_\_\_\_ /

**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated June 23, 2009. The plaintiff has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Defendant's motion to dismiss (doc. 16) is GRANTED and plaintiff's second amended complaint is dismissed.

3. This dismissal is without prejudice to plaintiff's filing, within twenty days, of a third amended complaint that corrects the legal deficiencies identified by the defendant in its motion.

DONE AND ORDERED this 23rd day of July, 2009.

sl M. Casey Rodgers

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**