

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

MATTHEW BUMGARDNER,  
Plaintiff,

vs.

Case No.: 3:11cv338/MCR/EMT

UNITED STATES OF AMERICA, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 5, 2012 (doc. 21). 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). None have been filed.

Having considered the Report and Recommendation, and the record, 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. Plaintiff's motion to dismiss (doc. 20) is **GRANTED** and this case is **DISMISSED without prejudice**.

**DONE AND ORDERED** this 6th day of February, 2012.

*M. Casey Rodgers*

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