

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

LARRY J. MILLENDER,

Plaintiff,

v.

Case No.: 3:11cv387/MCR/EMT

RAY E. MABUS,

Defendant.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 4, 2012 (doc. 32). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any 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. Marlon Millender's motion for substitution (doc. 18) is **DENIED**.
3. Defendant's motion for summary judgment (doc. 26) is **GRANTED**.
4. This action is **DISMISSED without prejudice** and the clerk is directed to enter judgment accordingly.

**DONE AND ORDERED** this 7th day of November, 2012.

*sl M. Casey Rodgers*

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