

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

PRESTON JERMAIN LEWIS,

Plaintiff,

v.

Case No. 3:13cv349/MCR/CJK

TOM LEONARD,

Defendant.

_____/

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated June 19, 2014 (doc. 13). 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). No timely objections have been filed.

Having considered the Report and Recommendation, the Court has 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. The Motion to Dismiss (doc. 11) is **GRANTED**.
3. This cause is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted.
4. The Clerk is directed to close the file.

DONE and ORDERED this 28th day of July, 2014.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE