

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

KIM ANTHONY POLONCZYK,  
Plaintiff,

vs.

Case No.: 3:15cv15/RV/EMT

TOYOTA MOTOR CORPORATION, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated April 27, 2015 (doc. 28). 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). I have made a de novo determination of all timely filed objections.

Having considered the Report and Recommendation, and the timely filed objections thereto (doc. 30), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Plaintiff's second amended complaint (doc. 14) is **DISMISSED** for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. All pending motions are **DENIED** as moot.
4. The clerk is directed to enter judgment accordingly and close the file.

**DONE AND ORDERED** this 5<sup>th</sup> day of May, 2015.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**