

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

CARNELL BUTLER,

Plaintiff,

v.

CASE NO. 3:17cv422-MCR-CJK

MIDLAND FUNDING, et al.,

Defendants.

---

**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated December 11, 2017. ECF No. 28. 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. Defendants Midland Funding LLC and Tim Boland's motion to dismiss, ECF No. 14, is **GRANTED** and plaintiff's claims against Midland Funding and Boland are **DISMISSED WITHOUT PREJUDICE**.

3. Defendant Great Lakes Educational Loan Services, Inc.'s motion to dismiss, ECF No. 20, is **GRANTED** and plaintiff's claims against Great Lakes are **DISMISSED WITHOUT PREJUDICE**.

4. Plaintiff shall have 30 days to file a second amended complaint. Plaintiff's claims against defendants Midland Funding LLC, Tim Boland, and Great Lakes Educational Loan Services, Inc., will be dismissed with prejudice if plaintiff does not file a second amended complaint.

**DONE AND ORDERED** this 10th day of January 2018.

*s/ M. Casey Rodgers*  
\_\_\_\_\_  
**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**