

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

YILI TSENG,

Plaintiff,

vs.

Case No.: 4:08-CV-91-SPM/WCS

FLORIDA A&M UNIVERSITY,
and the
FLORIDA A&M UNIVERSITY
BOARD OF TRUSTEES,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation (doc. 29). The parties have been furnished a copy and have been afforded an opportunity to file objections. To date, no objections have been filed.

Accordingly, it is ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 29) is adopted and incorporated by reference in this order.
2. Defendant's Motion to Dismiss (doc. 19), is hereby **granted**.
3. Plaintiff's amendment to the Complaint shall be dismissed.
4. This matter is **remanded** to the Magistrate Judge for further

proceedings on the pending summary judgment motion.

DONE AND ORDERED this sixth day of February, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge