

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

EDDIE DEAN FORD,

Petitioner,

v.

CASE NO. 4:10cv30-RH/WCS

EDWIN G. BUSS,

Respondent.

_____ /

ORDER DENYING MOTION TO DISMISS

This case is before the court on the magistrate judge's report and recommendation, ECF No. 26. No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The respondent's motion to dismiss, ECF No. 19, is DENIED. The respondent must file a response on the merits by September 27, 2011. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on July 28, 2011.

s/Robert L. Hinkle _____
United States District Judge