

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

ANDRE JEFFERSON HOLMES,

Appellant,

v.

4:11cv390-WS

EDUCATIONAL CREDIT  
MANAGEMENT CORPORATION,

Appellee.

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ORDER DENYING APPELLEE'S MOTION TO DISMISS

Before the court is the magistrate judge's report and recommendation docketed September 7, 2011. Doc. 4. The magistrate judge recommends that the appellee's motion to dismiss the appeal as untimely be denied. No objections to the report and recommendation have been filed.

The court has reviewed the record and has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 4) is ADOPTED and incorporated into this order by reference.

2. The appellee's motion to dismiss (doc. 2) is DENIED.

3. The case shall be returned to the magistrate judge for further proceedings.

DONE AND ORDERED this 13th day of October, 2011.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE