

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

**WILLIAM F. T. LINCOLN,**

**Plaintiff,**

v.

**CASE NO. 4:13-cv-74-MW/GRJ**

**FLORIDA GAS TRANSMISSION  
CO., et al.,**

**Defendants.**

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**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION**

This Court has considered the Magistrate's Report and Recommendation, ECF No.55, filed April 1, 2014. Upon consideration, no objections having been filed,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion. The motion to dismiss, ECF No. 52, filed by Defendants, Mustang Engineering, L.P. and Mustang Engineering Florida, Inc., is **GRANTED**, and the claims raised against them in Plaintiff's third amended complaint are **DISMISSED without prejudice** for failure to serve the complaint within 120 days as required

by Fed. R. Civ. P 4(m). This cause is **remanded to the Magistrate** for further proceedings.

**SO ORDERED on April 22, 2014.**

**s/Mark E. Walker**  
**United States District Judge**