

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

ERIC WILLIAMS,

Plaintiff,

v.

CASE NO. 4:14cv480-RH/CAS

ESPOSITO NURSERY, INC.,

Defendant.

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**ORDER DENYING THE MOTION TO DISMISS**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 8. No objections have been filed.

The report and recommendation correctly concluded that the defendant's motion to dismiss should be denied. The report and recommendation also concluded that the plaintiff should be required to file a notice confirming his intention to continue with the case. The plaintiff has filed the required notice. ECF No. 9.

Upon consideration,

**IT IS ORDERED:**

The report and recommendation is ACCEPTED and adopted as the court's opinion. The defendant's motion to dismiss, ECF No. 5, is DENIED. This case is remanded to the magistrate judge for further proceedings.

SO ORDERED on January 23, 2015.

s/Robert L. Hinkle  
United States District Judge