

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

**MARTY SMITH,**

**Plaintiff,**

**v.**

**Case No. 4:17cv240-MW/CAS**

**WELLS FARGO BANK, N.A.,  
and DOES 1 – 10,**

**Defendants.**

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**ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 13. Upon consideration, no objections having been filed by the parties,

**IT IS ORDERED:**

The report and recommendation is **accepted and adopted** as this Court's opinion. The Clerk shall enter judgment stating, "Defendant's motion to dismiss, ECF No. 10, is **GRANTED** pursuant to the *Colorado River* abstention doctrine. This action is **STAYED** pending final resolution of the state foreclosure action. The Clerk shall administratively close the file."

Notwithstanding the above ruling, this Court shall address, once Plaintiff's time for filing objections has passed, the Second Report and Recommendation,

ECF No. 18, relative to Plaintiff's motion for preliminary injunction, ECF No. 14, filed after the entry of the first report and recommendation. ECF No. 13.

**SO ORDERED on November 13, 2017.**

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