

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

JOSHUA B. WHITAKER,
Plaintiff,

v.

CASE NO. 5:18cv51-MCR/MJF

UNITED STATES OF AMERICA,
Defendant.

_____ /

O R D E R

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 27, 2019. ECF No. 115. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of all timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.

2. Defendant's Motion for Summary Judgment, ECF No. 44, is **GRANTED** and Plaintiff's Motion for Summary Judgment, ECF No. 56, is **DENIED**.

3. The clerk of court is directed to enter judgment in favor of Defendant on Plaintiff's claims.

4. The clerk of the court shall close the case file

DONE AND ORDERED this 26th day of September 2019.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE