

Upon full review and consideration of the record, the Court finds that Judge Langstaff's Recommendation (Doc. 25) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Thus, Defendants' Supplemental Motion to Dismiss (Doc. 22) is **GRANTED** and Defendant's Pre-Answer Motion to Dismiss (Doc. 14) is **DENIED AS MOOT**. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 16th day of May 2014.

/ s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT