

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

DANIELLE NICOLE MILLER, as personal)
representative of the ESTATE OF MICHAEL)
J. MILLER, deceased,)
)
Plaintiff,)
)
v.)
)
MICHAEL D. SCHRADER, et al.)
)
Defendants.)

NO: 1:08 CV 189 JTM-RBC

ORDER

On June 24, 2009, Magistrate Judge Cosbey issued a written report and recommendation (docket # 117) regarding the motions of Todd Reed (docket # 110) and Whitley County and Whitley County Board of Commissioners (docket # 112) to dismiss plaintiff's claims pursuant to Fed. R. Civ. P. 37(b)(2)(A) and 41(b), as well as the request of Whitley County and Whitley County Board of Commissioners to withdraw their motion to dismiss (docket # 113). No objections have been filed. Therefore, the court accepts and adopts Magistrate Judge Cosbey's report and recommendation and hereby orders that Whitley County and Whitley County Board of Commissioners' motion to dismiss be **DEEMED WITHDRAWN** (docket # 112) and Reed's motion to dismiss be **DENIED** (docket # 110).

SO ORDERED.

DATED: July 27, 2009

s/James T. Moody _____
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT