

2. It is hereby **ORDERED** Plaintiff's Motion to Amend (ECF No. 25) is **DENIED**.
3. It is hereby **ORDERED** that Defendant's Motion to Dismiss (ECF No. 12)¹ is **GRANTED**.

/s/George Z. Singal
U.S. District Judge

Dated this 7th day of October, 2013.

¹ The Recommended Decision on page 11 references ECF No. "14" as Defendant's Motion to Dismiss. The correct ECF notation for Defendant's Motion to Dismiss is ECF No. "12."