applicable case law, and good cause appearing, the court hereby adopts and accepts the report and recommendation of the United States Magistrate Judge (#7).

In accordance with the foregoing, the above-captioned case is hereby  ${\tt DISMISSED}$  WITH  ${\tt PREJUDICE}$ .

IT IS SO ORDERED.

DATED: This 31st day of October, 2013.

Howard 9 M: Killer