

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10cv282

NATIONAL ALLIANCE FOR)
ACCESSIBILITY, INC., a Florida)
Non-Profit Corporation; and)
DENISE PAYNE, individually,)
)
Plaintiffs,)
)
vs.)
)
TUNNEL ROAD (E&A) LIMITED)
LIABILITY COMPANY, a South)
Carolina Limited Liability)
Company,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court on the Defendant’s Motion to Dismiss [Doc. 8] and the Magistrate Judge’s Memorandum and Recommendation [Doc. 14] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider a pending motion in the above-captioned civil action and to submit to this Court a recommendation for the disposition of this motion.

On April 8, 2011, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's Motion to Dismiss. [Doc. 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

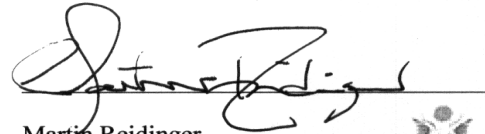
After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby **ACCEPTS** the Magistrate Judge's Recommendation that the Defendant's Motion to Dismiss be granted and that this action be dismissed as Plaintiffs lack Article III standing to sue.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Recommendation [Doc. 14] is **ACCEPTED**, and the Defendant's Motion to Dismiss [Doc. 8] is **ALLOWED**.

IT IS FURTHER ORDERED that this action is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: May 10, 2011

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

