

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Michael W. Mattingly, et al.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:15cv781
vs.	:	
	:	Judge Susan J. Dlott
Humana Health Plan, Inc.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on May 3, 2016 (Doc. 18), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired May 20, 2016, hereby ADOPTS said Report and Recommendation.

Accordingly, defendants’ motion to dismiss (Doc. 10) is DENIED without prejudice as moot. *Drake v. City of Detroit*, 266 Fed. App’x 444,448 (6<sup>th</sup> Cir. 2008).

IT IS SO ORDERED.

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s/Susan J. Dlott  
Judge Susan J. Dlott  
United States District Court