

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

GREGORY WALKER JOHNSON, : Case No. 3:13-cv-204  
 :  
 Plaintiff, : Judge Timothy S. Black  
 : Magistrate Judge Michael J. Newman  
 vs. :  
 :  
 APPLE, INC., :  
 :  
 Defendant. :

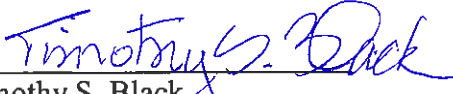
**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. 44); AND (2) DENYING DEFENDANT'S MOTION TO DISMISS (Doc. 28) AS MOOT AND WITHOUT PREJUDICE**

This case is before the Court on the Order and Report and Recommendation of United States Magistrate Judge Michael J. Newman. (Doc. 44). In the Order and Report and Recommendation, the Magistrate Judge ordered Plaintiff to file an amended complaint and recommends that Defendant's Motion to Dismiss the original complaint (Doc. 28) be denied without prejudice as moot. No party filed objections to the recommendation of the Magistrate Judge and the time for doing so has expired.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), upon reviewing the filings of the parties and the comprehensive findings of the Magistrate Judge *de novo*, the Court: (1) **ADOPTS** the recommendation of the Magistrate Judge in its entirety (Doc. 44); and (2) **DENIES** Defendants' Motions to Dismiss (Doc. 28) as moot and without prejudice to refile.

**IT IS SO ORDERED.**

Date: 2/5/14

  
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Timothy S. Black  
United States District Judge