

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>EILEEN CARRY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. 3:11-cv-0818</b>
	)	<b>Judge Sharp</b>
<b>v.</b>	)	<b>Magistrate Judge Brown</b>
	)	
<b>DAVID LOUIS RAYBIN and</b>	)	
<b>HOLLINS, RAYBIN &amp; WEISMAN, P.C.,)</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

On November 3, 2011, the Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket Entry No. 16), recommending that Defendants’ Motion to Dismiss (Docket Entry No. 14) be granted because Plaintiff’s claims are barred by the statute of limitations T.C.A. § 28-3-104(a)(2) and thus, Plaintiff’s complaint fails to state a claim upon which relief can be granted. Despite being specifically advised in the R & R that any objections to the recommended disposition needed to be filed within fourteen days, Plaintiff filed no objections.

Having conducted a *de novo* review of the matter in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge’s recommendations. Accordingly,

- (1) The R & R (Docket Entry No. 16) is hereby ACCEPTED and APPROVED;
- (2) Defendants’ Motion to Dismiss (Docket Entry No. 14) is hereby GRANTED because Plaintiff’s complaint fails to state a claim upon which relief can be granted; and
- (3) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

*Kevin H. Sharp*

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE