

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

VIRGIL HICKEY,)	
)	
Plaintiff,)	
)	Civil No. 3:13-cv-0937
v.)	Judge Sharp
)	
WEBB’S REFRESHMENTS, INC.,)	
)	
Defendant.)	

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge (Docket No. 30), recommending that Defendant’s “Second Motion to Dismiss” (Docket No. 28), be granted and that this action be dismissed with prejudice. The R & R does not, however, recommend an award of attorney fees and expenses. Plaintiff failed to file a Response to the Second Motion to Dismiss, and no objections were made to the R & R.

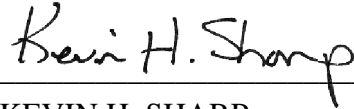
Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” FED R. CIV. P. 72(b).

Having conducted a *de novo* review in accordance with Rule 72, the Court will accept the disposition set forth in the R & R. Accordingly, the Court rules as follows:

- (1) The R & R (Docket No. 30) is hereby ACCEPTED and APPROVED;
- (2) Defendant’s Second Motion to Dismiss (Docket No. 28) is GRANTED.

The Clerk of the Court shall enter Final Judgment in a separate document in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

Handwritten signature of Kevin H. Sharp in black ink, written over a horizontal line.

KEVIN H. SHARP

UNITED STATES DISTRICT JUDGE