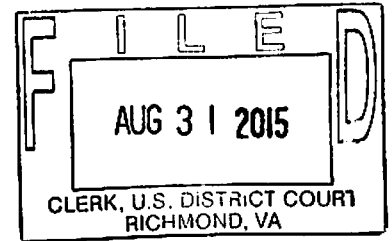


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



RICKY LEE,  
Plaintiff,

v.

Civil Action No. 3:15cv37

MICHAEL L. WADE,  
Defendant.

**ORDER**

By Order entered herein on May 15, 2015, the pending MOTION TO DISMISS (Docket No. 7) was referred to Magistrate Judge Roderick C. Young for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 14) entered herein on July 17, 2015, PLAINTIFF RICKY LEE'S OBJECTIONS TO REPORT & RECOMMENDATION (Docket No. 15), and the time for filing a timely response to the plaintiff's objections, and the defendant not filing a timely response thereto, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) PLAINTIFF RICKY LEE'S OBJECTIONS TO REPORT & RECOMMENDATION (Docket No. 15) are overruled;

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The defendant's MOTION TO DISMISS (Docket No. 7) is granted; and

(4) This action is dismissed with prejudice.

It is further ORDERED that the issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the Plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel of record.

It is so ORDERED.

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/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: August 28, 2015