



Court agrees that the Plaintiff has failed to state a claim based on the reasoning in the Recommendation. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendant's motion to dismiss (Doc. 24) is **GRANTED**, and the complaint is **DISMISSED without prejudice**. The Plaintiff's motion for protective order (Doc. 27), motion to strike (Doc. 28), and motion for summary judgment (Doc. 29) are **DENIED as moot**.

**SO ORDERED**, this 11th day of February, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT