

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

RAMON LOPEZ,

Plaintiff,

v.

CASE NO. 5:11-cv-57-Oc-23PRL

UNITED STATES OF AMERICA, et al.,

Defendants.

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ORDER

The United States (1) moves under Rules 12(b)(3) and 12(b)(6), Federal Rules of Civil Procedure, to dismiss the remaining claims in Ramon Lopez's second amended complaint or alternatively (2) moves under Rule 56(c), Federal Rules of Civil Procedure, for summary judgment (Doc. 82). Lopez both responds to the United States' motion and moves for summary judgment (Docs. 98, 99). Under 28 U.S.C. § 636 and Local Rule 601(b), the motions were referred to the magistrate judge, who on September 28, 2018, issued his report and recommendation (Doc. 101). Lopez objects (Doc. 102) to the report and recommendation.

I reviewed the report and recommendation and independently examined the parties' papers. Lopez's objections (Doc. 102) are **OVERRULED**. The report and recommendation (Doc. 101) is **ADOPTED**. The United States' motion for summary judgment (Doc. 82) is **GRANTED** as to FOIA Request No. 2010-02251 and FOIA Request No. 2010-07847.

Lopez's claim with respect to his August 19, 2010 FOIA Request is **TRANSFERRED** to the United States District Court for the Southern District of Florida, Miami Division. Lopez's cross-motion (Docs. 98, 99) for summary judgment is **DENIED**. The clerk must close the case.

ORDERED in Tampa, Florida, on December 5, 2018.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE