

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ROLANDO C. SILVERIO )  
 )  
 Plaintiff, )  
 )  
 v. ) Case NO. 2:09-cv-01914-TMP  
 )  
 BUFFALO ROCK COMPANY, )  
 )  
 Defendant. )

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND DENYING MOTION TO DISMISS**

The magistrate judge filed his report and recommendation on April 1, 2010, recommending that the defendant's motion to dismiss Count One of the complaint be denied. To date, no party has filed any objections to the report and recommendation. Having now reviewed *de novo* the report and recommendation, the motion to dismiss, and all other relevant court materials, the report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED.

Accordingly, the motion to dismiss is DENIED, and defendant shall file an answer within fifteen (15) days after this order.

The case is again referred to the magistrate judge for further proceedings.

DONE this 19th of April, 2010.

  
ABDUL K. KALLON  
UNITED STATES DISTRICT JUDGE