

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
)	Case 08-0026-03-CR-W-FJG
vs.)	
Troy R. Solomon and)	-05-
Delmon L. Johnson,)	
)	
Defendants.)	

ORDER

Pending before the Court is defendants' motion to dismiss (Doc. #156), filed December 12, 2008.

On April 15, 2009, United States Magistrate Judge Sarah W. Hays entered a report and recommendation (Doc. #214) recommending that defendants' motion be denied.. Neither defendant Solomon nor defendant Johnson filed objections to Magistrate Judge Hays' report and recommendation.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendants Solomon and Troy's motion to dismiss (Doc. #156) should be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendants Solomon and Troy's motion to dismiss (Doc. #156) is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 05/27/09
Kansas City, Missouri