

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SECRETARY OF LABOR, UNITED  
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

Case No. 6:17-cv-855-Orl-37KRS

GENERAL PROJECTION SYSTEMS,  
INC.; CHERYL WAYSON; GENERAL  
PROJECTION SYSTEMS, INC. 401(K)  
PLAN; and GENERAL PROJECTION  
SYSTEMS, INC GROUP HEALTH  
PLAN,

Defendants.

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**ORDER**

In this action, Plaintiff sues Defendants for violations of the Employee Retirement Income Security Act. (Doc. 1.) On April 9, 2018, Plaintiff moved to dismiss Defendant Cheryl Wayson ("**Wayson**"). (Doc. 52 ("**Motion**").) On referral, U.S. Magistrate Judge Karla R. Spaulding concludes that Plaintiff's requested relief is most appropriately characterized as a request to dismiss under Federal Rule of Civil Procedure 41(a)(2). (Doc. 59 ("**R&R**").) And because Wayson did not respond to the Motion, Magistrate Judge Spaulding recommends that the Court grant it and dismiss Plaintiff's claims against Wayson without prejudice. (*Id.* at 2.)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo*

*Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 59) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion to Dismiss (Doc. 52) is **GRANTED**.
3. Plaintiff's claims (Doc. 1) against Defendant Cheryl Wayson are **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk is **DIRECTED** to **TERMINATE** Cheryl Wayson as a party.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on June 8, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record  
*Pro se* party