

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

CASEY E. WALSH,

Plaintiff,

v.

Case No: 5:18-cv-402-Oc-30PRL

CITY OF OCALA, REUBEN GUINN,
MARY SUE RICH, JAY MUSLEH,
MATTHEW WARDELL, BRENT
MALEVER, JAMES HILTY, KENNETH
GRAHAM, WILLIAM WOODS,
MICHAEL BALKEN and LOUIS
BIONDI,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Doc. 68). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

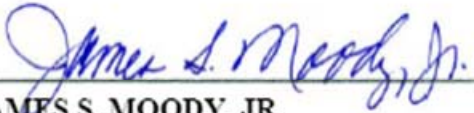
ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Doc. 68) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Defendants Sheriff Woods's (Doc. 10), Chief Graham's (Doc. 13), Deputy Chief Balken and Captain Biondi's (Doc. 17), and Mayor Guinn, James Hilty, Brent Malever, Jay Musleh, Mary Sue Rich, Matthew Wardell's (Doc. 18) Motions to Dismiss are GRANTED as follows:
 - a. Counts I, II, IV, V, and VI are DISMISSED WITHOUT PREJUDICE against these Defendants;
 - b. Plaintiff shall file an amended complaint within fourteen (14) days from the date of this Order. Failure to do so will result in these Defendants being dismissed from this action without further notice.

3. Defendant City of Ocala's Motion to Dismiss (Doc. 15) is GRANTED IN PART and DENIED IN PART as follows:
 - a. The Motion is DENIED as to counts VIII and X;
 - b. Counts III, VII, and IX are DISMISSED WITHOUT PREJUDICE;
 - c. Plaintiff shall file an amended complaint within fourteen (14) days from the date of this Order. Failure to do so will result in these claims being dismissed without further notice.

DONE and ORDERED in Tampa, Florida, this 23rd day of January, 2019.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record