

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**THOMAS E. JONES,**

**Plaintiff,**

v.

**Case No: 6:18-cv-1489-Orl-41DCI**

**WRIGHT NATIONAL FLOOD  
INSURANCE COMPANY,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on Defendant's Motion to Dismiss (Doc. 7). Therein, Defendant requests that the Court dismiss Plaintiff's second and third causes of action as well as Plaintiff's requests for declaratory relief, bad faith damages, costs, expenses and interest. (*Id.* at 1). United States Magistrate Judge Daniel C. Irick submitted a Report and Recommendation (Doc. 23), in which he recommends granting the Motion. Judge Irick reasons that Counts II and III are preempted by federal law and that Plaintiff is not entitled to declaratory relief, bad faith damages, costs, expenses, or interest because these means of relief are not permitted by law for the claim Plaintiff is bringing. (*See generally id.*).

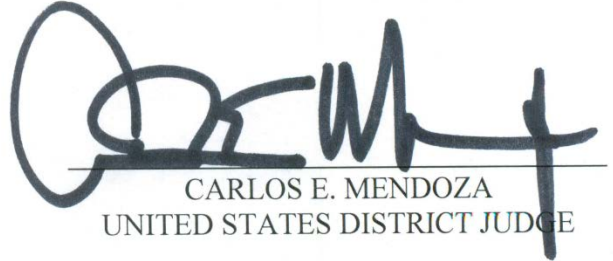
After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees entirely with the analysis set forth in the Report and Recommendation.

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

1. The Report and Recommendation (Doc. 23) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Defendant's Motion to Dismiss (Doc. 7) is **GRANTED**.

3. Counts II and III as well as Plaintiff's request for declaratory relief, bad faith damages, costs, expenses, and interest are **DISMISSED**.

**DONE** and **ORDERED** in Orlando, Florida on February 27, 2019.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party