

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**STEPHEN LEONARD GUARDINO, JR.,**

**Plaintiff,**

v.

**Case No: 6:18-cv-1502-Orl-41GJK**

**CITY OF DELAND, FLORIDA,**

**Defendant.**

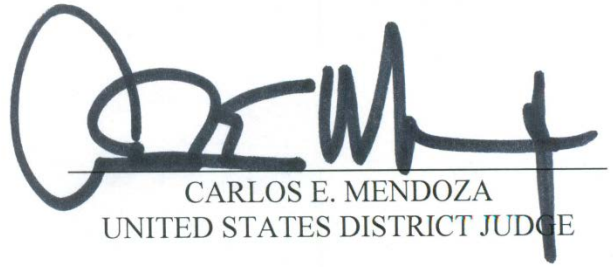
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**ORDER**

THIS CAUSE is before the Court on Defendant's Motion to Dismiss (Doc. 20) and Plaintiff's Motion for Summary Judgment (Doc. 21). United States Magistrate Judge Gregory J. Kelly issued a Report and Recommendation on each motion. (Doc. Nos. 26, 27). After a *de novo* review, and noting that no objections were timely filed, the Court agrees with the analyses in the Report and Recommendations. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendations (Doc. Nos. 26, 27) are **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Defendant's Motion to Dismiss (Doc. 20) is **GRANTED**.
3. The Amended Complaint (Doc. 15) is **DISMISSED without prejudice**.
4. **On or before April 30, 2019**, Plaintiff may file a Second Amended Complaint that complies with Judge Kelly's Report and Recommendations. Failure to do so may result in the dismissal of this case without further notice.
5. Plaintiff's Motion for Summary Judgment (Doc. 21) is **DENIED**.

**DONE** and **ORDERED** in Orlando, Florida on April 11, 2019.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party