

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

KERRY DAVID LYONS,

Plaintiff,

v.

Case No: 6:18-cv-1907-Orl-41GJK

**JOHN JENNINGS, MICHAEL
ORFINGER, KAREN FOXMAN,
STEPHANIE STARNES-LYONS,
RACHEL D. EBERT, MR. GALLANT,
ROBIN TBD and AMY TINGLEY,**

Defendants.

ORDER

THIS CAUSE is before the Court on Defendant Gallant's Motion to Dismiss (Doc. 11) as well as Defendants' Foxman and Orfinger's Motion to Dismiss (Doc. 14). United States Magistrate Judge Gregory J. Kelly submitted a Report and Recommendation (Doc. 32), in which he recommends granting the Motions in part and dismissing the Amended Complaint (Doc. 2) without prejudice as a shotgun pleading and for failing to state a claim upon which relief can be granted.


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. 32) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Motions to Dismiss (Doc. Nos. 11, 14) are **GRANTED in part and DENIED in part.**

3. Plaintiff's Amended Complaint (Doc. 2) is **DISMISSED without prejudice** as a shotgun pleading and for failing to state a claim upon which relief can be granted.
4. **On or before February 26, 2019**, Plaintiff may file a Second Amended Complaint. Failure to do so may result in a dismissal with prejudice without further notice.

DONE and ORDERED in Orlando, Florida on February 6, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party