

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

HATTIE MAE REYNOLDS,

Plaintiff,

v.

Case No: 6:18-cv-1921-Orl-28LRH

**CITY OF DAYTONA BEACH and
AUSTIN CLAYTON,**

Defendants.

ORDER

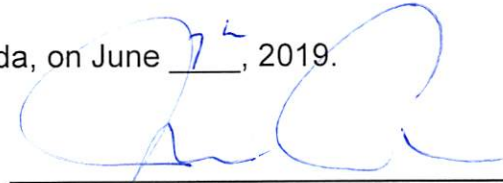
This case is before the Court on Defendants' Motion to Dismiss Amended Complaint (Doc. No. 21). The assigned United States Magistrate Judge has submitted a Report (Doc. No. 23) recommending that the motion be granted in part and denied in part. No party has filed an objection to the Report and the time to do so has passed.

After review of the record in this matter, the Court agrees with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 23) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Motion to Dismiss Amended Complaint (Doc. No. 21) is **GRANTED in part and DENIED in part**.
3. Counts II, IV, and V of the Amended Complaint are dismissed.
4. Count III of the Amended Complaint is dismissed against the City only.
5. The Motion to Dismiss is **denied** in all other respects.

6. Plaintiff is granted leave to file a second amended complaint within fourteen days from the date of this Order.

DONE and **ORDERED** in Orlando, Florida, on June 14, 2019.



JOHN ANTOON II
United States District Judge

Copies furnished to:
United States Magistrate Judge
Counsel of Record
Unrepresented Parties