

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KRYSTLE DOHERTY,

Plaintiff,

v.

Case No: 2:19-cv-18-FtM-99UAM

UNITED STATES OF AMERICA and
STATE OF FLORIDA,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Douglas N. Frazier's Report and Recommendation. ([Doc. 47](#)). Judge Frazier recommends the case be dismissed without prejudice because *pro se* Plaintiff Krystle Doherty has neither properly pled claims under [42 U.S.C. § 1983](#) nor alleged subject matter jurisdiction. No party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is thus ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


After examining the file independently, and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation is **ACCEPTED and ADOPTED**.
- (2) The above-captioned case is **DISMISSED without prejudice**.
- (3) The Clerk is **DIRECTED** to enter judgment, terminate any pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of April 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record