

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

RANDALL LEE WALKER,

Plaintiff,

v.

Case No. 5:22-cv-649-WFJ-PRL

UNITED STATES PENITENTIARY  
COLEMAN #2, FNU SWAIN, FNU  
WEGNER, FNU VELASQUEZ, and  
FNU SUMMERFIELD,

Defendants.

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**ORDER**

This cause comes before the Court on the motion to dismiss Plaintiff's Second Amended Complaint, which was filed by Defendants FNU Wegner, FNU Velasquez, FNU Summerfield (Dkt. 56). The United States Magistrate Judge issued a report recommending that the motion be granted and the Second Amended Complaint (Dkt. 31) be dismissed. Dkt. 67. The time for filing objections has passed.

After an independent review of the record, the Court may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate

judge found that the Second Amended Complaint (Dkt. 31) fails to allege a *Bivens* claim. The report explains why this state claim may not be brought in federal court. After conducting an independent examination of the file, the Court agrees with the well-reasoned Report and Recommendation and rules as follows:

1. The Report and Recommendation (Dkt. 67) is adopted, confirmed, and approved in all respects and made a part of this order.
2. The Motion to Dismiss (Dkt. 56) is **GRANTED**.
3. Plaintiff's Second Amended Complaint (Dkt. 31) is dismissed in accord with the Report and Recommendation.
4. The Clerk is directed to enter judgment in favor of Defendants and close the case.

**DONE AND ORDERED** at Tampa, Florida, on May 22, 2024.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**

Plaintiff, *pro se*  
Counsel of record