

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 06-15499  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 18, 2007 THOMAS K. KAHN CLERK
---

D. C. Docket No. 03-00419-CV-3-RS

ROYAL SURPLUS LINES INSURANCE COMPANY,

Plaintiff-Appellee,

versus

DELTA HEALTH GROUP, INC.,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Florida  
\_\_\_\_\_

**(September 18, 2007)**

Before BIRCH and BARKETT, Circuit Judges, and KORMAN,\* District Judge.

PER CURIAM:

Delta Health Group, Inc. appeals the district court's order granting partial

\_\_\_\_\_  
\* Honorable Edward Korman, United States District Judge for the Eastern District of New York, sitting by designation.

summary judgment to Royal Surplus Lines Insurance Company, and denying Delta's motion for summary judgment. We affirm on the basis of the district court's comprehensive opinion dated January 23, 2006, and as amended September 6, 2006.<sup>1</sup>

**AFFIRMED.**

---

<sup>1</sup> Delta apparently also seeks to appeal a Magistrate Judge's protective order. However, Delta failed to timely challenge the magistrate's non-dispositive order before the district court. See Federal Rule of Civil Procedure 72(a) (party has ten (10) days to file any objections to the magistrate judge's order). Thus, Delta waived the right to appeal this issue. See Smith v. School Board of Orange County, 487 F.3d 1361, 1365 (11th Cir. 2007).