

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

OPAL WATSON,

Plaintiff,

vs.

Case No. 3:10-cv-358-J-37JRK

CAPITAL ONE SERVICES, LLC, etc., and
RUBIN & DEBSKI, P.A.,

Defendants.

ORDER

This cause is before the Court on the following:

1. Defendant Rubin & Debski's Motion to Dismiss Plaintiff's First Amended Complaint (Doc. No. 21), filed October 11, 2010;
2. Defendant, Rubin & Debski, P.A., Motion for Sanctions Against Plaintiff (Doc. No. 24), filed November 30, 2010;
3. Plaintiff's Response to Rubin & Debski, P.A.'s Motion to Dismiss Amended Complaint (Doc. No. 36), filed January 10, 2011;
4. Plaintiff's Response to Rubin & Debski, P.A.'s Motion for Sanctions (Doc. No. 37), filed January 10, 2011; and
5. Reply of Defendant Rubin & Debski, P.A. to Plaintiff's Response to Rubin & Debski's Motion to Dismiss Amended Complaint (Doc. No. 38), filed January 13, 2011.

United States Magistrate Judge James R. Klindt submitted a report (Doc. No. 59), filed June 7, 2011, recommending Defendant Rubin & Debski's Motion to Dismiss Plaintiff's First Amended


Complaint (Doc. No. 21) be granted and Defendant, Rubin & Debski, P.A., Motion for Sanctions Against Plaintiff (Doc. No. 24) be denied.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees with the findings of fact and conclusions of law in the Magistrate Judge's Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation (Doc. No. 59), filed June 7, 2011, is ADOPTED and CONFIRMED and made part of this Order.
2. Defendant Rubin & Debski's Motion to Dismiss Plaintiff's First Amended Complaint (Doc. No. 21) is GRANTED. The claims brought against Defendant Rubin & Debski, P.A., in Plaintiff's First Amended Complaint are DISMISSED without prejudice. Plaintiff may file an amended complaint no later than fourteen days after the date of this Order.
3. Defendant, Rubin & Debski, P.A., Motion for Sanctions Against Plaintiff (Doc. No. 24) is DENIED.

DONE and **ORDERED** in Chambers, in Jacksonville, Florida on June 28 , 2011.


ROY B. DALTON, JR.
United States District Judge

Copies furnished to:

Counsel of Record