

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

JOLENE WALDRON, as the  
Personal Representative of the  
Estate of Anthony R. Ybarra, Jr. a  
minor,

Plaintiff,

v.

Case No. 5:16-cv-658-Oc-32PRL

GREGORY SPICHER, individually  
and BILLY WOODS, Marion County  
Sheriff, in his Official Capacity,

Defendants.

---

**ORDER**

This case is before the Court on Defendant Deputy Spicher, Jr.'s Motion to Dismiss (Doc. 16). On August 11, 2017, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 31) recommending that the motion be denied. No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); M.D. Fla. R. 6.02(a). Upon de novo review of the file and for the reasons stated in the Report and Recommendation (Doc. 31), it is hereby

**ORDERED:**

1. The Report and Recommendation of the Magistrate Judge (Doc. 31) is **ADOPTED** as the opinion of the Court.

2. Defendant Deputy Spicher, Jr.'s Motion to Dismiss (Doc. 16) is **DENIED**.

3. Defendant Deputy Spicher, Jr. is directed to file his Answer to the Amended Complaint not later than **September 27, 2017**.

**DONE AND ORDERED** in Jacksonville, Florida this 7th day of September, 2017.

  
TIMOTHY J. CORRIGAN  
United States District Judge

jjb

Copies to:

Honorable Philip R. Lammens  
United States Magistrate Judge

Counsel of record