

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JUANDRECA L. POWELL,

Plaintiff,

-vs-

Case No. 6:09-cv-167-Orl-28KRS

WESTGATE RESORTS, INC.,

Defendant.

ORDER

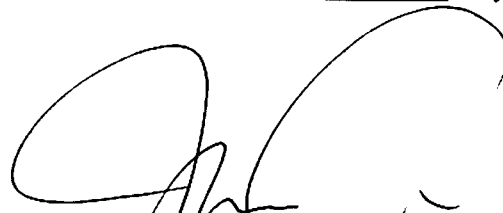
This case is before the Court on Defendant's oral motion to dismiss made during a hearing on July 14, 2010 with United States Magistrate Judge Spaulding. United States Magistrate Judge Spaulding has submitted a report recommending that the motion be granted in part.

After an independent *de novo* review of the record in this matter, and consideration of the objections filed by Plaintiff (Doc. No. 45) and Defendant's responses thereto (Doc. No. 46), the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed July 15, 2010 (Doc. No. 44) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Defendant's oral motion to dismiss this action is **GRANTED in part**.
3. This action is **dismissed without prejudice** for failure to comply with Court orders and to prosecute this case pursuant to Federal Rules of Civil Procedure 16(f) and 41 (b).

4. The Clerk of the Court is directed to close this file.

DONE and **ORDERED** in Chambers, Orlando, Florida this 24 day of August,
2010.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party