

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

SUSAN L. SCHROEDER,

Plaintiff,

v.

CASE NO. 6:11-CV-802-Orl-36KRS

SEMINOLE COUNTY PUBLIC SCHOOLS
SCHOOL BOARD, *et al.*,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation of Magistrate Judge Thomas B. Smith, filed on August 8, 2012 (Doc. 85). In the Report and Recommendation, the Magistrate Judge recommends that the Court grant Defendants Kathy Fredericks, Robin Dehlinger, Shirley Geiss, Sarah Mansur, Siobhan Pitters, Andrew Lorenz, Van Heusen and Seminole County Public Schools School Board's (collectively, "the Defendants") Amended Joint Motion to Dismiss ("Motion to Dismiss") (Doc. 83). *See* Doc. 85. Neither party has filed an objection to the Report and Recommendation and the time to do so has expired.

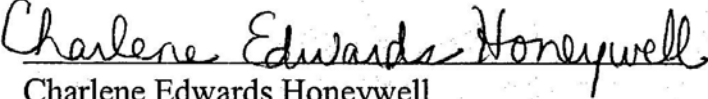
The Court is in agreement with the Magistrate Judge that Plaintiff Susan L. Schroeder ("Plaintiff") has failed to comply with the Court's Orders. *See, e.g.*, Doc. 75. Accordingly, Plaintiff's Complaint is subject to dismissal. However, as the Magistrate Judge notes, dismissal with prejudice is not appropriate as the record does not support a finding of willful disobedience of the Court's Orders, bad faith or other contumacious conduct. *See* Doc. 85, pp. 4-5. Therefore, after conducting an independent examination of the file and upon due consideration of the Magistrate

Judge's Report and Recommendation, the Court accepts the Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 85) is **ADOPTED, CONFIRMED** and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
2. Defendants Kathy Fredericks, Robin Dehlinger, Shirley Geiss, Sarah Mansur, Siobhan Pitters, Andrew Lorenz, Van Heusen and Seminole County Public Schools School Board's Amended Joint Motion to Dismiss (Doc. 83) is **GRANTED**, without prejudice.
3. This action is **DISMISSED**, without prejudice. The Clerk is directed to close this case.

DONE AND ORDERED at Orlando, Florida on August 28, 2012.


Charlene Edwards Honeywell
United States District Judge

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