

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARILYN K. HANKINS,

Plaintiff,

-vs-

Case No. 6:12-cv-997-Orl-28KRS

DEAN OF COMMUNICATIONS,
VALENCIA COLLEGE,

Defendant.

ORDER

This case is before the Court on Defendant, Della Paul, Dean of Communications, Valencia College's Motion to Dismiss Plaintiff's Complaint and To Quash Service of Process (Doc. No. 13), and Defendant Valencia College's, Motion to Dismiss Plaintiff's Complaint and to Quash Service of Process (Doc. No. 14), both filed August 6, 2012. The United States Magistrate Judge has submitted a report recommending that the motions be granted.

After an independent *de novo* review of the record in this matter, and consideration of Plaintiff's objection to the Report and Recommendation (Doc. No. 24), Plaintiff's objection is **overruled**. 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 December 21, 2012 (Doc. No. 23) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Defendant, Della Paul, Dean of Communications, Valencia College's Motion to Dismiss Plaintiff's Complaint and to Quash Service of Process (Doc. No. 13) is **GRANTED**.

3. Defendant, Valencia College's, Motion to Dismiss Plaintiff's Complaint and to Quash Service of Process (Doc. No. 14) is **GRANTED**.

4. The service of process as to Della Paul and Valencia College is **QUASHED**.

5. The Complaint is **DISMISSED**. The claim of violation of the Americans with Disabilities Act ("ADA") against Della Paul is **DISMISSED with prejudice**.

6. Plaintiff is granted leave to file an Amended Complaint within fourteen (14) days from the date of this Order. The Amended Complaint must allege facts sufficient to show that her ADA claim is plausible and the date of the events at issue. Further, if Plaintiff wishes to bring claims of violations of equal opportunity or affirmative action, she must specifically allege the source of those claims — whether federal or state statute, rule or regulation, or common law — and allege sufficient facts to show a plausible claim for relief.

7. After filing her Amended Complaint, if Plaintiff chooses to continue to proceed *in forma pauperis*, she shall file another motion to do so.

8. Failure to file an Amended Complaint within the time allowed herein, may result in the dismissal and closure of this file without further notice.

9. Plaintiff's "Motion to Amend Lawsuit Petition" (Doc. No. 26) is **DENIED as moot**.

10. The Clerk of the Court is directed to mail a copy of this Order via regular mail and certified mail to Plaintiff.

DONE and ORDERED in Chambers, Orlando, Florida this 10 day of February,

2013.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party