

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

LUIS FERNANDO CABEZA and  
MIGUEL CABEZA,

Plaintiffs,

v.

Case No: 6:13-cv-1938-Orl-40TBS

THE CITY OF ORLANDO and  
FREDERICK DANTES,

Defendants.

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**ORDER**

This cause is before the Court on Defendants' Motion to Dismiss Luis Fernando Cabeza's Claim Due to His Refusal to Participate in Discovery, or in the Alternative, to Compel the Deposition of Luis Fernando Cabeza, or to Stay the Case (Doc. 30) filed on January 16, 2015. The United States Magistrate Judge has submitted a report recommending that the motion 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 entirely with the findings of fact and conclusions of law in the Report and Recommendation.

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

1. The Report and Recommendation filed March 3, 2015 (Doc. 40), is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. The Motion to Dismiss Luis Fernando Cabeza's Claim Due to His Refusal to Participate in Discovery, or in the Alternative, to Compel the Deposition of Luis

Fernando Cabeza, or to Stay the Case (Doc. 30) is **DENIED** to the extent it seeks dismissal of this case.

3. The motion is **DENIED** to the extent it seeks to compel the deposition of Plaintiff Luis Fernando Cabeza at this time.

4. The motion is **GRANTED** to the extent it seeks to stay this case pending the resolution of the underlying criminal case.

5. Plaintiff Luis Fernando Cabeza is **DIRECTED** to file a status report on June 22, 2015 and every 90 days thereafter, detailing the status of his criminal case.

6. Defendants' request for an award of legal expenses pursuant to Federal Rule of Civil Procedure 37(a)(5) is **DENIED**.

7. The Clerk is directed to **ADMINISTRATIVELY CLOSE** the case.

**DONE AND ORDERED** in Orlando, Florida on March 24, 2015.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties