

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

KATRINA HUGHEY,

Plaintiff,

v.

Case No. 6:15-cv-840-Orl-37GJK

SHERIFF OF BREVARD COUNTY;
THE BREVARD COUNTY SHERIFF'S
OFFICE; CITY OF INDIAN HARBOR
BEACH POLICE DEPARTMENT; and
THE CITY OF INDIAN HARBOR
BEACH,

Defendants.

ORDER

This cause is before the Court on the following:

1. Defendants City of Indian Harbour Beach and "City of Indian Harbour Beach Police Department's" Motion to Dismiss Plaintiff's Complaint (Doc. 9), filed June 2, 2015; and
2. Motion to Dismiss, by Wayne Ivey in his Official Capacity as Sheriff of Brevard County and the Brevard County Sheriff's Office (Doc. 10), filed June 2, 2015.

Local Rule 3.01(b) requires that a "party opposing a motion . . . shall file within fourteen (14) days after service of the motion . . . a response that includes a memorandum of legal authority in opposition to the request, all of which the respondent shall include in a document not more than twenty (20) pages." Allotting three additional days for service, see Fed. R. Civ. P. 6(d), Plaintiff's responses to Defendants' Motions were due by June 19, 2015. The June 19 deadline has passed, and Plaintiff still has not filed any

responses in opposition to the Motions.

Upon consideration, the Court considers Defendants' Motions to be unopposed (see Local Rule 3.01(b)) and finds that they are due to be granted. Accordingly, it is **HEREBY ORDERED AND ADJUDGED** that:

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

1. Defendants City of Indian Harbour Beach and "City of Indian Harbour Beach Police Department's" Motion to Dismiss Plaintiff's Complaint (Doc. 9) is **GRANTED**.
2. Motion to Dismiss, by Wayne Ivey in his Official Capacity as Sheriff of Brevard County and the Brevard County Sheriff's Office (Doc. 10) is **GRANTED**.
3. The Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
4. On or before Monday, **July 6, 2015**, Plaintiff may file an amended complaint that addresses any deficiencies raised in the Motions. Failure to file an amended complaint will result in a dismissal with prejudice.
5. Counsel for the Plaintiff is cautioned to make an appropriate Rule 11 investigation into the viability of any claim asserted against the Brevard County Sheriff's Office or the Indian Harbor Beach Police Department before submitting an amended complaint.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 23, 2015.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record