

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

TYRONE BOSTICK,

Plaintiff,

v.

Case No. 6:15-cv-1533-Orl-37GJK

DEPUTY LATASHA McGUIRE;  
DEPUTY JOHN DOE 1; and DEPUTY  
JOHN DOE 2,

Defendants.

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**ORDER**

This matter is before the Court on the following:

1. Plaintiff's Amended Motion for Leave to File Second Amended Complaint and Memorandum of Law (Doc. 28), filed February 6, 2016;
2. Defendant Deputy Latasha McGuire's Response to Plaintiff's Amended Motion for Leave to File Second Amended Complaint and Memorandum of Law (Doc. 29), filed February 12, 2016; and
3. The Report and Recommendation of U.S. Magistrate Judge Gregory J. Kelly (Doc. 32), filed April 20, 2016.

This civil rights and state tort action was initiated by Plaintiff Tyrone Bostick in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida ("**State Court**"). (Doc. 1-2.) Defendant Deputy Latasha McGuire ("**Deputy McGuire**") and former Defendant Sheriff Jerry L. Demings ("**Sheriff Demings**") removed the action to this Court (Doc. 1) and then moved to dismiss Plaintiff's State Court Complaint (Docs. 6, 7.) In accordance with Federal Rule of Civil Procedure 15(a)(1), Plaintiff filed an Amended Complaint asserting claims against Deputy McGuire and two "DOE" Defendants, but not against Sheriff Demings. (See Doc. 13.) Deputy McGuire then

moved to dismiss the Amended Complaint ("**Rule 12 Motion**"). (Doc. 16.) Plaintiff opposed the Rule 12 Motion (Doc. 20) and requested leave to file a Second Amended Complaint (Doc. 28 ("**Rule 15 Motion**"). Deputy McGuire opposed the Rule 15 Motion (Doc. 29) and answered the Amended Complaint (Doc. 31).

In an Order dated **March 25, 2016**, the Court dismissed Count Twenty-One of the Amended Complaint and otherwise denied the Rule 12 Motion. (Doc. 30.) Pursuant to 28 U.S.C. § 636(b)(1)(B), the Rule 15 Motion was referred to U.S. Magistrate Judge Gregory J. Kelly, who issued a Report and Recommendation on **April 20, 2016**, which advises that the Rule 15 Motion should be denied ("**Report**"). (Doc. 32.) No party has objected to the Report, and the deadline to do so passed on **May 9, 2016**. See Fed. R. Civ. P. 72(b)(2); Local Rule 6.02(a). Upon review, the Court finds that the Report is thorough, well-reasoned, and is due to be approved and adopted.

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

1. The Report and Recommendation of U.S. Magistrate Judge Gregory J. Kelly (Doc. 32) is **APPROVED and ADOPTED** as the Order of this Court.
2. Plaintiff's Amended Motion for Leave to File Second Amended Complaint and Memorandum of Law (Doc. 28) is **DENIED**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on May 11, 2016.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record