

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SECRETARY OF LABOR, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

Case No. 6:17-cv-855-Orl-37KRS

GENERAL PROJECTION SYSTEMS,
INC.; CHERYL WAYSON; GENERAL
PROJECTION SYSTEMS, INC. 401(K)
PLAN; and GENERAL PROJECTION
SYSTEMS, INC GROUP HEALTH
PLAN,

Defendants.

ORDER

In this action, Plaintiff sues Defendants for violations of the Employee Retirement Income Security Act. (Doc. 1.) On April 9, 2018, Plaintiff moved to dismiss Defendant Cheryl Wayson (“**Wayson**”). (Doc. 52 (“**Motion**”).) On referral, U.S. Magistrate Judge Karla R. Spaulding concludes that Plaintiff’s requested relief is most appropriately characterized as a request to dismiss under Federal Rule of Civil Procedure 41(a)(2). (Doc. 59 (“**R&R**”).) And because Wayson did not respond to the Motion, Magistrate Judge Spaulding recommends that the Court grant it and dismiss Plaintiff’s claims against Wayson without prejudice. (*Id.* at 2.)

No party objected to the R&R, and the time for doing so has now passed. Absent objections, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo*


Bank, N.A., No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no clear error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 59) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Motion to Dismiss (Doc. 52) is **GRANTED**.
3. Plaintiff's claims (Doc. 1) against Defendant Cheryl Wayson are **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk is **DIRECTED** to **TERMINATE** Cheryl Wayson as a party.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 8, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro se party