

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

R.W.,
Plaintiff,

vs.

CASE NO. 8:11-CIV-1326-T-EAK-AEP

MICHELLE SPINELLI, et al.,
Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the report and recommendation (R&R) issued by Magistrate Judge Anthony E. Porcelli on November 26, 2013 (Doc. 85). The magistrate judge recommended that the Court grant the motion of Defendant Sheriff David Gee to strike claim for punitive damages (Doc. 79).

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had fourteen (14) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. No timely objections to the report and recommendation were filed.

STANDARD OF REVIEW

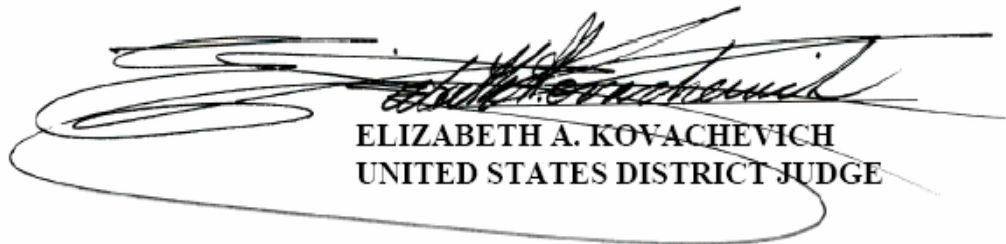
When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980); **Jeffrey S. v. State Board of Education of State of Georgia**, 896 f.2d 507 (11th Cir. 1990).

However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. **Gropp v. United Airlines, Inc.**, 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation. Accordingly, it is

ORDERED that the report and recommendation, November 26, 2013 (Doc. 85) be **adopted and incorporated by reference**; the Court **grants** the motion to strike the claim for punitive damages (Doc. 79); and the claim is stricken.

DONE and ORDERED in Chambers, in Tampa, Florida, this 19th day of December, 2013.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record
Assigned Magistrate Judge