

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

RAYMOND B BALDWIN,

Plaintiff,

v.

CASE NO. 1:12-cv-00058-MP-GRJ

ERIC SHINSEKI, UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS,

Defendants.

ORDER

This matter is before the Court on Doc. 18, Report and Recommendation of Magistrate Judge, recommending that this case be dismissed for lack of jurisdiction. The plaintiff filed objections, Doc. 19, and the Court has made a de novo determination of those portions of the Report and Recommendation to which objection was made. 28 U.S.C. § 636(b)(1).

The Court agrees with the Magistrate Judge that the United States has not waived its sovereign immunity regarding claims by federal employees under the Family and Medical Leave Act and has not waived sovereign immunity regarding claims of defamation against federal agencies. Thus, plaintiff's claims are barred by sovereign immunity, and this Court lacks subject matter jurisdiction.

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is accepted and incorporated herein.
2. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, Doc. 14, is GRANTED. This case is dismissed, and the Clerk is directed to close the file.

DONE AND ORDERED this 27th day of September, 2012

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge