

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

JEAN E JOSEPH,

Plaintiff,

v.

CASE NO. 4:11cv34-MP-CAS

OFFICER R. GORMAN,

Defendant.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 12, 2012. (Doc. 51). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections were filed.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. Defendant's motion to dismiss( doc. 38) is GRANTED in part and DENIED in part. Plaintiff's equal protection and Fourth Amendment claims are DISMISSED for failure to state a claim upon which relief may be granted, the claim against defendant in his official capacity is DISMISSED due to the Eleventh Amendment, but otherwise, the motion is DENIED.

3. This case is REMANDED to the magistrate judge for further proceedings.

**DONE and ORDERED** this 17th day of September, 2012.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
CHIEF UNITED STATES DISTRICT JUDGE**