

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

GEORGE MAY,

Plaintiff,

v.

CASE NO. 4:14cv678-RH/CAS

STATE OF FLORIDA, DEPARTMENT
OF TRANSPORTATION et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 3. No objections have been filed. As the report and recommendation correctly notes, this action is barred by the Eleventh Amendment. *See Seminole Tribe of Fla. v. Florida*, 517 U.S. 44 (1996) (holding that a state sued in its own name has Eleventh Amendment immunity, regardless of the relief sought, unless the immunity has been waived or validly abrogated by Congress under the Fourteenth Amendment). Accordingly,

IT IS ORDERED:

The clerk must enter judgment stating, “The complaint is dismissed without prejudice based on the Eleventh Amendment.” The clerk must close the file.

SO ORDERED on March 17, 2015.

s/Robert L. Hinkle
United States District Judge