

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

CHRISTOPHER PATRICK
MICHAEL ROSBOUGH,

Plaintiff,

v.

CASE NO. 4:15cv583-RH/CAS

FLORIDA STATE UNIVERSITY,
THOMAS BLOMBERG, and
NANCY MARCUS,

Defendants.

_____ /

ORDER GRANTING SUMMARY JUDGMENT

This case is before the court on the magistrate judge's report and recommendation, ECF No. 57. No objections have been filed. The report and recommendation is correct and is adopted as the court's opinion, with this limitation: the report and recommendation should not be read to suggest that claims under 42 U.S.C. § 1983 for prospective relief against the individual defendants in their official capacities are barred by the Eleventh Amendment. Those claims are unfounded on the merits but are not barred by the Eleventh Amendment. *See, e.g., Ex parte Young*, 209 U.S. 123 (1908).

IT IS ORDERED:

1. The report and recommendation is accepted.
2. The defendants' motion for summary judgment, ECF No. 34, is granted.
3. The clerk must enter judgment stating, "This action was resolved on a summary-judgment motion. It is ordered that the plaintiff Christopher Patrick Michael Rosbough recover nothing on his claims against the defendants Florida State University, Thomas Blomberg, and Nancy Marcus. The claims are dismissed on the merits."
4. The clerk must close the file.

SO ORDERED on September 12, 2017.

s/Robert L. Hinkle
United States District Judge