

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

**SANDRA GAIL CARRIN,  
as the Personal Representative of  
the Estate of RAYMOND MARSHALL  
CARRIN,**

*Plaintiff,*

v.

**Case No.: 4:21cv486-MW/MAF**

**SHAUNA MARIE SMILEEDGE,  
et al.,**

*Defendants.*

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**ORDER REJECTING REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Second Report and Recommendation. ECF No. 129, and has also reviewed *de novo* Defendant's objections, ECF No. 140. Defendant Smiledge argues that the facts of this case and her role as Health Services Administrator are distinguishable from the cases the Magistrate Judge relies upon in his report and recommendation with respect to qualified immunity. Defendant Smiledge argues that these distinctions dictate a finding that she is entitled to qualified immunity. This Court requires further analysis of the distinctions regarding qualified immunity that Defendant Smiledge has raised before it rules on the pending motion for summary judgment.

Accordingly,

**IT IS ORDERED:**

The report and recommendation, ECF No. 129, is **rejected**. This matter is referred to the Magistrate Judge to address the distinctions Defendant Smiledge raises in her objections regarding qualified immunity as a matter of first impression. The Clerk shall administratively **TERMINATE** Defendant Smiledge's motion for summary judgment, ECF No. 109, and this Court will re-gavel the motion after the Magistrate Judge submits an amended report and recommendation addressing more fully the qualified immunity argument.

**SO ORDERED on March 26, 2024.**

**s/Mark E. Walker**  
**Chief United States District Judge**