

**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 ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Fifth Report and Recommendation. ECF No. 134, and has also reviewed *de novo* Plaintiff's objections, ECF No.142. Plaintiff contends that the Magistrate Judge's recommendations to deny Defendant Smiledge's and Jimenez's motions for summary judgment provide ample support for granting Plaintiff's motion for partial summary judgment. But Plaintiff misapprehends the standard of review that this Court applies to cross-motions for summary judgment. The Magistrate Judge correctly applied that standard to each of the pending motions for summary judgment. The fact that genuine disputes of material fact preclude judgment in

Defendant Smiledge's and Jimenez's favor does not automatically require this Court to grant Plaintiff's motion for partial summary judgment, particularly where Plaintiff's motion failed to provide the necessary factual support to demonstrate the absence of disputes of material fact.

Accordingly,

**IT IS ORDERED:**

The report and recommendation, ECF No. 134, is **accepted and adopted**, over the Plaintiff's objections, as this Court's opinion. Plaintiff's motion for partial summary judgment, ECF No. 108, is **DENIED** because genuine issues of material fact preclude summary judgment in her favor.

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

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