

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

ANGELO PECELLO RIVERS,

Plaintiff,

vs.

CASE NO. 5:08cv61/RS-EMT

ASPLUNDH TREE EXPERT COMPANY,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Order, Report and Recommendation (Doc. 81). Plaintiff has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Order, Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendant's Motion For Enforcement Of Sanctions (Doc. 63) is granted in part and denied in part:
 - (a) The motion is granted to the extent that Plaintiff shall pay the amount of \$1,779.10 in sanctions previously assessed as well as the additional amount of \$6,308.19 as new sanctions as set forth in the Order, Report and Recommendation (Doc. 81), for a total of \$8,087.29. The clerk is directed to enter judgment in the amount of \$8,087.29 in favor of Defendant and against Plaintiff.
 - (b) Defendant's Motion For Enforcement Of Sanctions (Doc. 63) is

denied in all other respects.

3. Defendant's Motion For Summary Judgment (Doc. 45) is granted. The clerk is directed to enter summary judgment in favor of Defendant Asplundh Tree Expert Company.
4. The clerk is directed to close the file.

ORDERED on September 23, 2009.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE