

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

JIMMY LEE WHEELER,

Plaintiff,

v.

5:14cv271–WS/CJK

ARNP C. DAVIS, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 133) docketed November 15, 2016. The magistrate judge recommends that Defendant Davis's motion to set aside entry of default (doc. 121) be granted and that Plaintiff Wheeler's motion for default judgment (doc. 118) be denied as moot. No objections to the report and recommendation have been filed.

The court has reviewed the record and has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is

ORDERED:

1. The magistrate judge's report and recommendation (doc. 133) is hereby ADOPTED and incorporated by reference in this order.

2. Defendant Davis's motion to set aside entry of default (doc. 121) is GRANTED.

3. The clerk shall docket Defendant Davis's proposed answer, currently attached to document 121 as Exhibit C, as a separate pleading.

4. To the extent Plaintiff Wheeler's motion for partial summary judgment (doc. 92) seeks summary judgment against Defendant Davis, such relief is DENIED WITHOUT PREJUDICE.

5. Plaintiff Wheeler's motion for default judgment (doc. 118) is DENIED.

6. The case shall be remanded to the magistrate judge for further proceedings.

DONE AND ORDERED this 20th day of December, 2016.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE