

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

JUSTIN PITTMAN,

Plaintiff,

v.

CASE NO. 5:17cv302-RH/GRJ

SEAHAVEN LLC d/b/a  
SHARKY'S BEACHFRONT  
RESTAURANT AND HOTEL,

Defendant.

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**ORDER OF DISMISSAL**

This employment case is before the court on the magistrate judge's report and recommendation, ECF No. 11. No objections have been filed.

The magistrate judge entered an order on May 12, 2018 concluding that the second amended complaint was deficient and directing plaintiff to file a third amended complaint. Now, more than three months later, the plaintiff still has not complied with the order. The report and recommendation correctly concludes that the complaint should be dismissed without prejudice based on the failure to file the third amended complaint as ordered.

It bears noting, too, that the second amended complaint asserted that the plaintiff was treated shabbily but did not allege that the treatment was based on race, disability, or any characteristic protected by the federal civil rights statutes. Shabby treatment of an employee does not, without more, violate those statutes.

IT IS ORDERED:

The report and recommendation is accepted. The clerk must enter judgment stating, “This case is dismissed without prejudice.” The clerk must close the file.

SO ORDERED on July 14, 2018.

s/Robert L. Hinkle  
United States District Judge