

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61648-CIV-LENARD
MAGISTRATE JUDGE P.A. WHITE

CORNELIUS GREEN, :
 :
 Plaintiff, :
 :
 v. :
 :
 PEMBROKE PINES POLICE :
 DEPARTMENT, et al., :
 :
 Defendants. :

REPORT OF
MAGISTRATE JUDGE

In this *pro se* civil rights action pursuant to 42 U.S.C. §1983 eight defendants filed motions for summary judgment: DE#89 (Benjamin); DE#90 (Darnowski); DE#91 (Foeseth); DE#92 (Hemmingway); DE#93 (Johnson); DE#94 (Martin); DE#95 (Velez-Ortiz); and DE#104 (Dang). **This Cause is before the Court upon Plaintiff's "Motion to Dismiss" (DE#108)**, stating that he cannot obtain evidence against Keith, Darnowski, Johnson, Martin, Benjamin, and Velez-Ortiz, and wishes to dismiss the case against them, without prejudice to again name them in this case should evidence become available.

Accordingly, it is recommended that: 1) plaintiff's motion to dismiss (DE#108) be GRANTED; 2) the complaint against the defendants Benjamin, Darnowski, Foeseth, Johnson, Martin, and Velez-Ortiz, be dismissed, without prejudice; and their respective motions for summary judgment (DE#s 89, 90, 91, 93, 94, and 95) be dismissed as moot; and 3) the case remain pending against the defendants Hemmingway and Dang.

In due course, a separate Report will be entered with a recommendation for disposition of the pending motions (DE#s 92 and 104) by the other two defendants, Hemmingway and Dang.

Objections to this report may be filed with the District Judge within ten days of receipt of a copy of the report.

Dated: June 23rd 2009.


UNITED STATES MAGISTRATE JUDGE

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