

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number:09-60704-CIV-MARTINEZ-WHITE

LONNIE MADISON,

Plaintiff,

vs.

CITY OF CORAL SPRINGS, CORAL SPRINGS
POLICE DEPT., et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THE MATTER was referred to the Honorable Patrick White, United States Magistrate Judge for a Report and Recommendation on all pretrial matters (**D.E. No. 2**). The Magistrate Judge filed a Preliminary Report and Recommendation (**D.E. No. 8**) and a Report and Recommendation on Plaintiff's Motion for Leave to Amend (**D.E. No. 18**). The Court has reviewed the entire file and record. No objections have been filed.

Plaintiff's Motion for Leave to Amend (D.E. No. 15) sought to add a new defendant, Officer Bill Capplis, to the original Defendants, who included Officer Kalpus. The Report and Recommendation on Plaintiff's Motion for Leave to Amend recommended denying the motion because it sought to add Officer Capplis after the expiration of the statute of limitations. Plaintiff has subsequently clarified that Officer Capplis is in fact Officer Kalpus. This fact is not reflected in the proposed amended complaint, which includes Officer Capplis as a separate and new defendant. The docket and record have been corrected to show Officer Kalpus as Officer Capplis. *See* (D.E. No. 21). Because the proposed amended complaint contains a redundant

defendant, and because the confusion regarding Defendant Capplis/Kalpus has been cleared up by Judge White's subsequent orders, the Court will deny Plaintiff's motion to amend. Being otherwise fully advised in the premises, it is

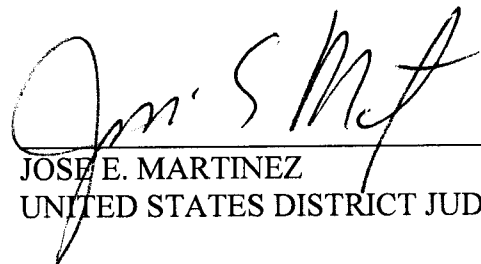
ADJUDGED that United States Magistrate Judge White's Report and Recommendations (D.E. Nos. 8, 18) are **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that

1. Plaintiff's Motion for Leave to Amend (D.E. No. 15) is **DENIED**. Defendant Capplis will remain a party to this case, however, despite the fact that his name was misspelled in the original complaint.

2. Defendants City of Coral Springs and Coral Springs Police Department are **DISMISSED** as parties to this action.

DONE AND ORDERED in Chambers at Miami, Florida, this 22 day of January, 2010.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge White
All Counsel of Record