

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-61660-CIV-DIMITROULEAS

RONALD SMITH,

Plaintiff,

Magistrate Judge White

vs.

SHERIFF ALFRED LAMBERTI, et al,

Defendant.  

---

**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE AND DENYING  
PLAINTIFF'S MOTION FOR LEAVE TO AMEND**

THIS CAUSE is before the Court upon the Plaintiff Ronald Smith's Motion for Leave to Amend [DE 31], Plaintiff's Amended Complaint [DE 32], the Report of Magistrate Judge Patrick A. White, dated March 11, 2010, but filed on April 12, 2010 [DE 34], notes no Objections were filed and the time for such filing has passed. As there are no objections, the Magistrate Judge's factual findings in the Report are hereby adopted and deemed incorporated into this opinion. LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988); RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993).

Although no objections were filed, the Court has conducted a de novo review of the Report and record and is otherwise fully advised in the premises. The plaintiff has filed a Motion for Leave to Amend [DE 31] and an amended complaint [DE 32] in which he names Captain Randy Smith. However, Plaintiff fails to state how Defendant Smith is responsible for his 18 hour lock down. Accordingly, the Court agrees with the Magistrate's conclusion that Plaintiff's allegations do support a cognizable claim against Smith.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge's Report [DE 34] is hereby **ADOPTED** and **APPROVED**;
2. Plaintiff Ronald Smith's Motion for Leave to Amend [DE 31] is hereby **DENIED without prejudice**;
3. Plaintiff Ronald Smith's Amended Complaint [DE 32] is **DISMISSED without prejudice**.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida,  
this 4th day of May, 2010.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:

Magistrate Judge White

Counsel of Record

Ronald Smith, pro se

No. 570711013

Broward County Main Jail

P.O. Box 9356

Fort Lauderdale, FL 33310