

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-20203-CIV-LENARD/WHITE

EDDIE LEE BANKS,

Plaintiff,

v.

**SFRC MEDICAL DEPT. OFFICIALS,
et al,**

Defendants.


**ORDER ADOPTING REPORT & RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 101), GRANTING DEFENDANT BALMIR'S MOTION FOR
SUMMARY JUDGMENT (D.E. 88), DENYING BANKS'S MOTION FOR
SUMMARY JUDGMENT (D.E. 85), AND DISMISSING DEFENDANT BALMIR**

THIS CAUSE is before the Court on the Report and Recommendation of the Magistrate Judge ("Report," D.E. 101), issued on April 27, 2010, recommending the Court deny Plaintiff's Motion for Summary Judgment ("Plaintiff's Motion," D.E. 85), filed on February 10, 2010, grant Defendant Balmir's Motion for Summary Judgment ("Balmir's Motion," D.E. 88), filed on March 9, 2010, and dismiss Balmir from these proceedings. Therein, the parties were provided with fourteen (14) days to file objections to the Report. To date, no objections to the Report have been filed. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED**

AND ADJUDGED that:

1. The Report of the Magistrate Judge (D.E. 101), issued on April 27, 2010, is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (D.E. 85), filed on February 10, 2010, is **DENIED**;
3. Defendant Balmir's Motion for Summary Judgment (D.E. 88), filed on March 9, 2010, is **GRANTED**;
4. Defendant Balmir is **DISMISSED** from the proceedings;
5. As Defendant Nurse Vasseller is the only remaining Defendant in this action and Plaintiff's motion for final default judgment against this defendant was previously denied without prejudice (See D.E. 68), Plaintiff has fourteen (14) days from the date of this Order to re-file his motion for final default judgment.

DONE AND ORDERED in Chambers at Miami, Florida this 2nd day of June, 2010.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE