

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

CASE NO. 09-21895-CIV-LENARD/WHITE

CLANDIS FORD,

Plaintiff,

vs.

R. GREENBAUM, et al,

Defendants.

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**ORDER ADOPTING PRELIMINARY REPORT & RECOMMENDATION OF
MAGISTRATE JUDGE (D.E. 8)**

THIS CAUSE is before the Court on the Preliminary Report and Recommendation of the Magistrate Judge (“Preliminary Report,” D.E. 8), issued on August 4, 2009, recommending that, after conducting an initial screening pursuant to 28 U.S.C. § 1915, Plaintiff’s claim of excessive force against Defendants Greenbaum and Reynolds proceed and the remaining claims and Defendant be dismissed. Therein, the parties were provided ten (10) days to file objections to the Preliminary Report. To date, the parties have not filed any objections. 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 Preliminary Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Preliminary Report of the Magistrate Judge (D.E. 8) is **ADOPTED**.
2. Plaintiff’s Complaint shall proceed as to the claim of excessive force against Defendants Greenbaum and Reynolds.

3. Plaintiff's Complaint is **DISMISSED** without prejudice as to all other claims and Defendant Cabrera.

DONE AND ORDERED in Chambers at Miami, Florida this 27th day of August, 2009.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE