

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

**CASE NO.: 1:16-cv-22254-DPG**

**CARMEN RINCON and CARLOS  
RINCON, Personally, and as Personal  
Representatives of the Estate of  
Ethan Rincon, deceased,**

Plaintiffs,

v.

**MIAMI-DADE COUNTY, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court on Magistrate Judge Chris McAliley’s Report and Recommendation (the “Report”), [ECF No. 190], regarding Defendants’, Sergeant Victor Evans (“Evans”) and Officers John Dalton (“Dalton”) and Brian Zamorski (“Zamorski”) (collectively, “Defendants”), Motion for Summary Judgment (the “Motion”) [ECF No. 157]. The matter was referred to Magistrate Judge McAliley, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pre-trial matters. [ECF No. 88]. On June 8, 2022, Judge McAliley issued her report recommending that Defendants’ Motion be granted. [ECF No. 190]. Plaintiffs filed timely objections to the Report. [ECF No. 191]. For the reasons that follow, the Court affirms and adopts the Report.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see*

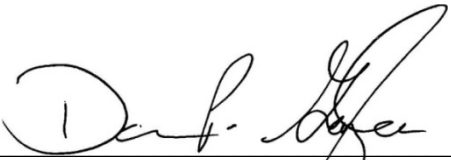
also Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

Having conducted a *de novo* review of the record, including the Motion, the Report, Plaintiffs' objections, and Defendants' response to the objections, the Court agrees with Judge McAliley's well-reasoned analysis and conclusion that Defendants' Motion should be granted.

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

- (1) Magistrate Judge McAliley's Report and Recommendation, [ECF No. 190], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Defendants' Motion, [ECF No. 157], is **GRANTED**.
- (3) Final Judgment is entered in favor of Defendants Evans, Dalton, and Zamorski as to Counts II and V.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 30th day of November, 2022.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE