

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-21241-CIV-GAYLES/WHITE

CHARLES E. OWEN,

Plaintiff,

v.

DR. I. ABIA, et al.,

Defendants.

/

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on the Report of Magistrate Judge Regarding Plaintiff's Complaint and Motion to Stay Adjudication [ECF No. 9]. Plaintiff filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 alleging Defendants denied him medical care and/or were deliberately indifferent to his medical needs [ECF No. 1]. The matter was referred to Judge White, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 3]. Following an initial screening under 28 U.S.C. § 1915, Judge White recommended that the Court (1) deny Plaintiff's request to stay the action and (2) dismiss Plaintiff's Complaint without prejudice for failure to state a claim. Plaintiff has failed to timely object to 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.

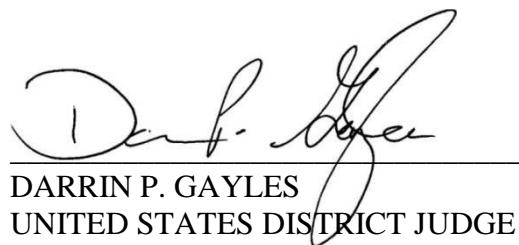
R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781,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

This Court finds no clear error with Judge White's well-reasoned analysis and agrees that the matter must be dismissed.

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge White's Report and Recommendation [ECF No. 9] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) Plaintiff's Motion to Stay Adjudication [ECF No. 5] is **DENIED**;
- (3) Plaintiff's Complaint is **DISMISSED** without prejudice for failure to state a claim. Should Plaintiff wish to amend his complaint, he must do so by August 1, 2017.
- (4) This action is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of June, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE