

**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.

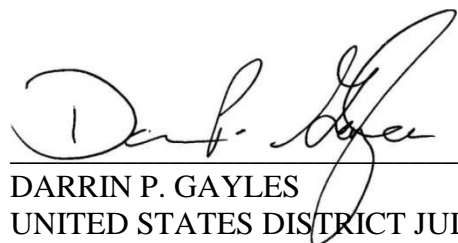
R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781,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