CLOSED CIVIL CASE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case No. 09-14157-CIV-GRAHAM/GOODMAN

ADAM J. MOTLOW,

Plaintiff,

vs.

WALTER MCNEIL, ET AL.,

Defendant.
_____/

ORDER

THIS CAUSE came before the Court upon Defendant Bhadja's motions for summary judgment [D.E. 79] and to dismiss for failure to prosecute and comply with pretrial order [D.E. 85].

THE MATTER was referred to the Honorable United States Magistrate Judge Jonathan Goodman [D.E.86]. Plaintiff alleges denial of medical care under the Eighth Amendment. Specifically, Plaintiff alleges that Defendant delayed needed medical treatment on his left eye. The Magistrate Judge issued a Report [D.E. 89] finding that Plaintiff's failure to file a pretrial statement as required by Court order; failure to respond to Defendant's Motion for Summary Judgment; and failure to respond to Defendant's Motion to Dismiss, demonstrated abandonment of this lawsuit. Accordingly, the Magistrate Judge recommended dismissal for lack of prosecution.

The Magistrate Judge also found that in the alternative to dismissing this action for lack of prosecution, Bhadja's motion for

summary judgment be granted. Specifically, the Magistrate Judge found that the record evidence does not support a claim against Defendant Bhadja for denial of medical care in violation of the Eighth Amendment because Defendant did not know of Plaintiff's eye problems. Plaintiff did not file objections to the Magistrate Judge's Report.

THE COURT has conducted an independent review of the file and is otherwise fully advised in the premises. Accordingly, it is hereby

ORDERED AND ADJUDGED that United States Magistrate Judge Goodman's Report [D.E. 89] is **RATIFIED, AFFIRMED and APPROVED** in its entirety. It is further

ORDERED AND ADJUDGED that Defendant Bhadja's Motion for Summary Judgment [D.E. 79] is Granted. Alternatively, Defendant Bhadja's Motion to Dismiss [D.E. 85] is **Granted.** It is further

ORDERED AND ADJUDGED that this case is **CLOSED** and any pending motions are denied as **MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of September, 2010.

DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge White
Adam J. Motlow, Pro Se
All Counsel of Record