

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

CASE NO. 2:20-CV-14048-ROSENBERG/REID

WARD LAWRENCE KENYON,

Plaintiff,

v.

DERYL LOAR, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORTS AND
RECOMMENDATIONS, DENYING PRELIMINARY INJUNCTION,
DISMISSING COMPLAINT WITHOUT PREJUDICE, AND CLOSING CASE**

This matter is before the Court upon the Reports and Recommendations of Magistrate Judge Lisette M. Reid. DE 25; DE 26. Plaintiff filed an Amended Civil Rights Complaint under 42 U.S.C. § 1983. DE 17. Judge Reid recommends that the Amended Complaint be dismissed without prejudice for failure to state a claim upon which relief can be granted. DE 25. Plaintiff also filed a Motion for a Preliminary Injunction. DE 24. Judge Reid recommends that the Motion be denied for failure to demonstrate a substantial likelihood of prevailing on the merits. DE 26.

Plaintiff filed Objections to the Report and Recommendation at docket entry 25. DE 29. The Court has reviewed the Reports and Recommendations, Plaintiff's Objections, and the record and is otherwise fully advised in the premises. The Court notes that Plaintiff impermissibly includes additional factual allegations in the Objections that he did not include in the Amended Complaint, despite previously being ordered to include all allegations supporting his claims in the Amended Complaint. *See* DE 15. The Court does not consider these additional factual allegations in determining whether the Amended Complaint states a claim upon which relief can be granted. *See, e.g., Edwards v. Prime, Inc.*, 602 F.3d 1276, 1291 (11th Cir. 2010) ("A complaint may be

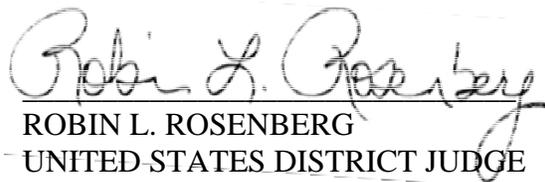
dismissed if the facts as pled do not state a claim for relief that is plausible on its face.” (quotation marks omitted)). The Court further notes that the Amended Complaint contains claims arising out of unrelated transactions and occurrences, even though Plaintiff previously was advised that such a pleading is impermissible. *See* DE 15.

The Court agrees with the analysis and conclusions in the Reports and Recommendations and finds Judge Reid’s recommendations to be well reasoned and correct. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Magistrate Judge Reid’s Report and Recommendation [DE 25] is **ADOPTED** as the Order of the Court.
2. Magistrate Judge Reid’s Report and Recommendation [DE 26] is **ADOPTED** as the Order of the Court.
3. Plaintiff’s Objections [DE 29] are **OVERRULED**.
4. For the reasons given in the Report and Recommendation [DE 25] and this Order, the Amended Complaint [DE 17] is **DISMISSED WITHOUT PREJUDICE**.
5. For the reasons given in the Report and Recommendation [DE 26], the Motion for a Preliminary Injunction [DE 24] is **DENIED**.
6. The Clerk of the Court is instructed to **CLOSE THIS CASE**. All deadlines are **TERMINATED**, all hearings are **CANCELLED**, and all motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers, West Palm Beach, Florida, this 9th day of October, 2020.

Copies furnished to: Plaintiff, Counsel of Record


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE