

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 23-14392-CIV-CANNON

**DAVID L. HARRIS, and
SHONDA T. HARRIS,**

Plaintiffs,

v.

LA SOLOMON J. ARCHIE *et al.*,

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 41]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation on Defendants' Motion to Dismiss (the "Report") [ECF No. 41], filed on April 24, 2024. On March 1, 2024, Defendant filed a Motion to Dismiss (the "Motion") [ECF No. 29]. On April 24, 2024, following referral, Judge Matthewman issued a Report recommending that the Motion be denied [ECF No. 41 pp. 1, 9]. Objections to the Report were due on May 8, 2024 [ECF No. p. 9]. No party filed objections, and the time to do so has expired [ECF No. 41 p. 9].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the

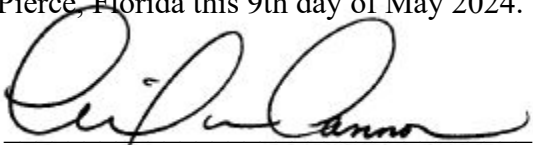
record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 41 pp. 4–9], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 41] is **ACCEPTED**.
2. The Motion [ECF No. 29] is **GRANTED**.
3. Plaintiffs will have one final opportunity to file an amended pleading in compliance with this Order, but any such pleading must be filed on or before **May 30, 2024**.
4. Plaintiffs are warned that failure to file the amended complaint on time and in compliance with this Court's order will result in dismissal of this case for failure to prosecute or failure to comply with court orders. *See* Fed. R. Civ. P. 41(b).
5. Plaintiffs' Motion for Extension of Time [43] is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 9th day of May 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record