

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION

CASE NO. 08-10090-CV-KING

ROBERT MICHAEL SHEPARD,

Plaintiff,

v.

LINDA ALVAREZ, and
SANDRA STERNAL,

Defendants.

**ORDER AFFIRMING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, AND GRANTING DEFENDANTS' MOTION TO
DISMISS AS TO DEFENDANT STERNAL**

THIS CAUSE comes before the Court upon Magistrate Judge Patrick A. White's May 21, 2009 Report and Recommendation (D.E. #35), recommending that the Defendants' Joint Motion to Dismiss, or for Summary Judgment (D.E. #18) be (1) granted as to all claims against Defendant Sandra Sternal, and (2) denied as to all claims against Defendant Linda Alvarez. On June 5, 2009, the Plaintiff filed objections (D.E. #41). On June 30, 2009, Defendant Linda Alvarez filed her objections (D.E. #51).

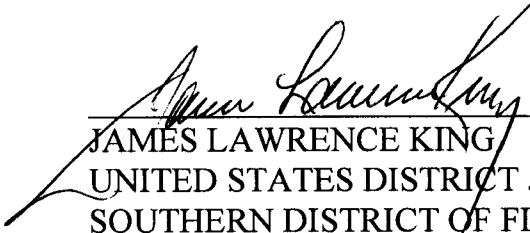
This Court concludes that the R&R contains thorough and well-reasoned recommendations. Accordingly, after a careful review of the record and the Court being otherwise fully advised, it is **ORDERED, ADJUDGED and DECREED** as follows:

1. Magistrate Judge Patrick A. White's May 21, 2009 Report and

Recommendation (D.E. #35) be, and the same is hereby, **AFFIRMED and ADOPTED.**

2. The Defendants' Motion to Dismiss, or for Summary Judgment (D.E. #18) be, and the same is hereby, **GRANTED IN PART as to all claims against Defendant Sandra Sternal.** Defendant Sandra Sternal is hereby dismissed from the above-styled case.
3. The Defendants' Motion to Dismiss, or for Summary Judgment (D.E. #18) be, and the same is hereby, **DENIED as to all claims against Defendant Linda Alvarez.** The above-styled case shall proceed against Linda Alvarez in accordance with the Court's June 26, 2009 Scheduling Order (D.E. #50), setting final pretrial conference on December 4, 2009, and trial to commence on the two-week trial calendar of February 4, 2009.
4. Defendant Alvarez is **DIRECTED TO ANSWER** the Complaint within twenty (20) days of the date of this Order.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, dated this 16th day of July, 2009.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc:

Magistrate Judge Patrick A. White

Robert Michael Shepard, pro se

Jail No. 7016725

Monroe County Detention Center

H Dorm

5501 College Road

Key West, FL 33040

Counsel for Defendant

Edward J. Page

Carlton Fields

4221 W. Boy Scout Boulevard

10th Floor - Corporate Center III

Tampa, FL 33067-5736