

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-80398-CIV-COHN/WHITE

NATHANIEL LAWLER,

Plaintiff,

v.

DR. JEAN DAUPHIN and
JOHN WADE, ARNP,Defendants,

**ORDER ADOPTING IN PART REPORT OF MAGISTRATE JUDGE AND
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

THIS CAUSE is before the Court on the Report of United States Magistrate Judge Patrick A. White [DE 21] ("Report") regarding Defendants Dr. Jean Dauphin and John Wade, ARNP's Motion for Summary Judgment [DE 16] and Motion to Dismiss for Lack of Prosecution [DE 20]. Pursuant to 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of the record herein, including Plaintiff Nathaniel Lawler's *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 [DE 1], Mr. Lawler's Supplemental Memorandum of Law in Support of his Complaint [DE 4], the Motion for Summary Judgment, the Motion to Dismiss, Judge White's Report, and is otherwise advised in the premises.

On March 16, 2011, Judge White filed his Report, recommending that the Court grant Defendants' Motion for Summary Judgment and Motion to Dismiss, and deny as moot Mr. Lawler's request for injunctive relief. The Report stated that Mr. Lawler could file objections within fourteen days of receipt. DE 21 at 17. To date, Mr. Lawler has not filed any objections.

Upon review, the Court agrees with Judge White's analysis and recommendations. Thus, the Court will grant the Motion for Summary Judgment and

deny as moot Mr. Lawler's request for injunctive relief. These rulings will resolve all issues in this case. Therefore, though it does appear that Mr. Lawler no longer wishes to prosecute this case, the Court will deny as moot the Motion to Dismiss. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report of United States Magistrate Judge Patrick A. White [DE 21] is **ADOPTED** with respect to the Motion for Summary Judgment and the request for injunctive relief;
2. Defendants Dr. Jean Dauphin and John Wade, ARNP's Motion for Summary Judgment [DE 16] is **GRANTED**;
3. Plaintiff Nathaniel Lawler's request for injunctive relief [DE 1 at 9] is **DENIED as moot**;
4. Defendants Dr. Jean Dauphin and John Wade, ARNP's Motion to Dismiss for Lack of Prosecution [DE 20] is **DENIED as moot**;
5. The Court shall enter a separate final judgment consistent with the above ruling.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 15th day of April, 2011.


JAMES I. COHN
UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of record via CM/ECF

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