Wise et al v. Cronic et al Doc. 32

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA GAINESVILLE DIVISION

MAUTIOUS D. WISE, :
DEVONTA J. WISE, AND :
RUSSELL B. GREEN, :

:

Plaintiffs, : CIVIL ACTION NO.

2:12-CV-0291-RWS

v. :

:

STEVE CRONIC, in his official : capacity as Hall County Sheriff, : *et al.*, :

:

Defendants. :

ORDER

This case is before the Court for consideration of the Report and Recommendation [30] of Magistrate Judge J. Clay Fuller. After reviewing the Report and Recommendation, it is received with approval and adopted as the Opinion and Order of this Court. Accordingly, Defendant Cronic's Motion for Judgment on the Pleadings [16] is hereby **GRANTED**, and Defendant Cronic is **DISMISSED** from this action. Plaintiff's Motion for Leave to Amend the Complaint [20] is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted to allow Plaintiffs to bring additional state-law claims against Defendants Bandy and Charlton alleging denial of medical care and intentional

and negligent infliction of emotional distress. The Motion is denied with respect to the state-law claims alleged against Defendant Cronic and the official capacity claims against Defendants Bandy and Charlton. In accordance with these rulings, Paragraphs 13 and 85-92 are **STRICKEN** from the Amended Complaint and the Amended Complaint, as redacted [21], is substituted for the original Complaint in this action.

SO ORDERED, this <u>16th</u> day of July, 2013.

RICHARD W. STORY

UNITED STATES DISTRICT JUDGE