

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN PATRICK DUDLEY, #220 840,)
)
Plaintiff,)
)
v.)
)
CORIZON MEDICAL SERVICES,)
et al.,)
)
Defendants.)

CIVIL ACTION NO. 2:15-CV-287-MHT
[WO]

ORDER AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Before the court is Plaintiff’s June 22, 2015, pleading in which he seeks to dismiss his allegation of inadequate medical care against Defendants Long and Corizon Medical Services. The court, therefore, considers this pleading as a motion to dismiss. Upon review of the motion, the court concludes that it should be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff’s June 22, 2015, pleading, considered a Motion to Dismiss his complaint regarding inadequate medical care against Defendants Long and Corizon Medical Services (*Doc. No. 7*), be GRANTED;
2. Plaintiff’s complaint against Defendants Long and Corizon Medical Services regarding allegedly inadequate medical care be DISMISSED and Defendants Long and Corizon Medical Services be DISMISSED as parties to this complaint;

3. The complaint, regarding Plaintiff's failure to protect from an inmate assault claim against the remaining defendants, be REFERRED to the undersigned for additional proceedings.

In light of the foregoing, it is

ORDERED that the court's June 15, 2015, order (*Doc. No. 5*) is WITHDRAWN.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before **July 8, 2015**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive, or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); see *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); see also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*) (adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981).

Done this 24th day of June, 2015.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE