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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 3, 2017, are adopted in full; and

2. Defendants’ motion to dismiss (ECF No. 37) is granted as to the following claims: a) claim alleging defendants Byers and Rashev denied plaintiff food; b) conspiracy claim against defendant Staggs-Boatright; c) claim that defendant Okoroike denied plaintiff medical care in violation of the Eighth Amendment; d) claim alleging verbal harassment by defendant Mercado; e) due process claim against defendant Couch; f) claim that defendant Eldridge violated due process by upholding alleged misconduct by defendant Couch;

3. Defendants’ motion to dismiss (ECF No. 37) is denied as to the following claims: a) claim alleging defendant Rashev used excessive force; b) failure to intervene claims against defendants Guffee and Matthews; c) claim alleging defendant Mercado denied plaintiff an ice pack; d) conspiracy claim against defendant Okoroike; e) conspiracy claim against defendant Martineck; f) claims alleging due process violations by defendants Schultz and Eldridge based on alleged denial of request to call witnesses and present documentary evidence, and insufficient evidence to support disciplinary conviction;

4. Defendants Rashev, Guffee, Matthews, Mercado, Okoroike, Martinick, Schultz and Eldridge are ordered to file an answer within thirty days of the date of this order.

DATED: March 19, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE