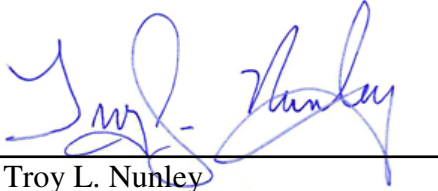


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 13, 2023 (ECF No. 54) are ADOPTED IN FULL;
2. Defendants’ motion to dismiss (ECF No. 44) is DENIED as to the failure to protect claims against Defendants Artal, Feltner, and Gann;
3. Defendants’ motion to dismiss (ECF No. 44) is GRANTED with leave to amend as to the failure to protect claims against Defendants Cribari, Gaetano, Salcedo, and Toles;
4. Defendants’ motion to dismiss (ECF No. 44) is GRANTED with leave to amend as to Plaintiff’s conspiracy claim;
5. Plaintiff may file a second amended complaint;
6. If Plaintiff does not file a second amended complaint within 30 days of the date of this order, the action shall proceed on Plaintiff’s first amended complaint on his failure-to-protect claims against Defendants Artal, Feltner, and Gann only; and
7. The matter is referred back to the assigned Magistrate Judge for further proceedings.

Date: August 4, 2023



Troy L. Nunley
United States District Judge