

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**STEVEN GARY SANDERS,**

**Plaintiff,**

v.

**Case No. 1:17cv270-MW/GRJ**

**WILLIAM BECK, et al.,**

**Defendants.**

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**ORDER REMANDING CASE TO MAGISTRATE TO CONSIDER  
OBJECTIONS IN THE FIRST INSTANCE**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 26, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 27. Upon consideration,

**IT IS ORDERED:**

This matter is remanded to the Magistrate Judge to consider Plaintiff's objections in the first instance. For example, the report and recommendation is silent with respect to whether Plaintiff states a continuing violation such that his claims are not time-barred. Moreover, Plaintiff argues that the Magistrate Judge misapprehends his allegations and his claims do not implicate any conviction and thus could not be *Heck*-barred. By remanding the case, this Court is not suggesting Plaintiff's objections have merit. Rather, this Court merely suggests such arguments

should be addressed by the Magistrate Judge before this Court passes on such questions.

**SO ORDERED on July 22, 2018.**

**s/Mark E. Walker**  
**United States District Judge**