

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

GERALD RAY HOFFMAN,

Plaintiff,

v.

Case No. 1:17cv302-MW/GRJ

DR. ASBELTI LLORENS,

et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 39. Upon consideration, no objections having been filed by the parties,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion. This Court, as it must, accepts Plaintiff's allegations as true. However, the fact that Dr. Llorens allegedly displayed a "bad attitude" etc. does not alter the fact that Plaintiff also alleges that Dr. Llorens repeatedly saw him and treated him. In fact, Plaintiff alleges that Dr. Llorens ordered numerous diagnostic tests and continued to try different medications. Plaintiff suggests that Dr. Llorens got it wrong. The fact that Dr. Llorens got it wrong, without more, does not support a claim of deliberate indifference. Plaintiff does not allege that Dr. Llorens intentionally let him suffer or ignored his complaints. In order to state a claim against Dr. Llorens, Plaintiff has to allege more than Dr. Llorens negligently treated his skin condition. The Clerk shall enter judgment stating, "Defendants' motions to dismiss the Complaint for failure to state a claim upon which

relief may be granted are **GRANTED**. ECF Nos. 19, 20, 22, and 23.” The Clerk shall close the file.

SO ORDERED on February 26, 2019.

s/Mark E. Walker
Chief United States District Judge