

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

**RONES SAGESSE,**

**Plaintiff,**

**v.**

**Case No. 1:20-cv-238-AW-GRJ**

**WARDEN MILTON HICKS, et al.,**

**Defendants.**

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

I have considered the magistrate judge's July 26, 2021 Report and Recommendation. ECF No. 34. I have also considered de novo the issues raised in Plaintiff's objections. ECF No. 35.<sup>1</sup>

I agree with the magistrate judge that Plaintiff has not stated a claim against Warden Hicks, and I agree that any amendment would be futile. Read liberally, Plaintiff's objection suggests he could plead additional facts to show a physical injury, but even if this were so, he would still fail to state a claim for the other reasons the magistrate judge explains.

The Report and Recommendation (ECF No. 34) is adopted and incorporated into this order. Warden Hicks's motion to dismiss (ECF No. 32) is GRANTED, and

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<sup>1</sup> Plaintiff asks the court to consider his objections although they were submitted just beyond the deadline. ECF No. 35 at 2. Based on the mailbox rule, it appears that the objections were timely. At any rate, I have treated them as timely.

Plaintiff's claims against Warden Hicks are dismissed. The magistrate judge will conduct further appropriate proceedings as to the remaining defendants.

SO ORDERED on October 4, 2021.

*s/ Allen Winsor*  
United States District Judge