

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

JALYN K. BAKER,

Plaintiff,

v.

Case No. 1:23-cv-3-AW-MJF

D. RATHHEL, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Jalyn Baker sued Defendants Rathel and Sapp over an alleged incident of excessive force. Defendants moved to dismiss, and the magistrate judge recommends granting the motion in part. ECF No. 22. There has been no objection to the report and recommendation. I have determined the report and recommendation should be adopted, and I now incorporate it into this order.

The motion to dismiss (ECF No. 18) is GRANTED in part. Claims against Defendant Sapp are dismissed for failure to exhaust. The motion is otherwise DENIED. The case will proceed against Defendant Rathel, and the magistrate judge will conduct further appropriate proceedings.

SO ORDERED on November 13, 2023.

s/ Allen Winsor

United States District Judge