

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

RUSSELL T. NEAL,  
Plaintiff,

vs.

CASE NO.: 3:06cv8/RV/MD

OFFICER CASSIDAY, et al.,  
Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated August 13, 2008. The plaintiff has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Defendants' motions for summary judgment (docs. 128, 129, 130) are DENIED.
3. This matter is referred to the magistrate judge for further pre-trial proceedings.

4. The clerk shall change the docket to reflect the correct spelling of defendant Cassidy's name as "Cassiday."

**DONE AND ORDERED** this 11th day of September, 2008.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**