

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

CATHY WICKERS,

Plaintiff,

v.

3:07cv290-WS

JERRY DALE UTSEY, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 18) docketed October 16, 2008. The magistrate judge recommends (1) that Wendall Hall, the Santa Rosa County Commission, and the Santa Rosa County Sheriff's Office be dismissed from the lawsuit; (2) that the plaintiff's claims against Jerry Dale Utsey ("Utsey") for false arrest (Claim One) and for excessive force under the Fourteenth Amendment (Claim Three) be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and (3) that the remaining claims (Claims Two, Four, Five and Six) against Utsey be remanded to the magistrate judge for further proceedings. No objections to the magistrate judge's report and recommendation have been filed.

The court having reviewed the record, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 18) is hereby ADOPTED and incorporated by reference into this order.

2. The defendants Wendall Hall, the Santa Rosa County Commission, and the Santa Rosa County Sheriff's Office—and all claims against them (Claims Seven, Eight, and Nine)—are hereby DISMISSED with prejudice.

3. Claims One and Three against Utsey are DISMISSED with prejudice for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).

4. The remaining claims against Utsey—Claims Two, Four, Five, and Six—are REMANDED to the magistrate judge for further proceedings.

DONE AND ORDERED this 20th day of November, 2008.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE