

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

DENNIS ROBERT FLANAGAN,

Plaintiff,

vs.

Case No. 3:08cv204-RV/WCS

MARK SHIPMAN,

Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated October 20, 2009. Doc. 69. The parties have been furnished a copy of the report and recommendation and have been afforded an opportunity to file objections. Pursuant to Title 28, United States Code, Section 636(b)(1), 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. Defendant's motion to dismiss, doc. 58, is **DENIED in part and GRANTED in part**. The motion is granted to the extent that any request for monetary damages is limited to nominal damages pursuant to 42 U.S.C. § 1997e(e), otherwise the motion is **DENIED**. The case is **REMANDED** to the assigned magistrate judge for further proceedings.

DONE AND ORDERED this 20th day of November, 2009.

/s/ Roger Vinson

ROGER VINSON
Senior United States District Judge