

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

WARREN LEE EDWARDS,
Plaintiff,

vs.

Case No. 3:08cv561/LAC/EMT

CAROLYN SUE MANNING, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 18, 2009 (Doc. 18). 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). I have made a de novo determination of the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, 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. Plaintiff's claim against Carolyn Sue Manning is **DISMISSED with prejudice** for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and Carolyn Sue Manning is **DISMISSED** from this action.
3. This case is remanded to the assigned Magistrate Judge for further proceedings on Plaintiff's claim against Dr. Yu.

DONE AND ORDERED this 1st day of September, 2009.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE