

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

NYKA O'CONNOR,

Plaintiff,

v.

3:09cv224-WS/EMT

M.L. CARNAHAN, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed November 18, 2013. See Doc. 173. The magistrate judge recommends that the motion to dismiss (doc. 155) filed by Kristin Gavin, Jennifer Haas, and current FDOC Secretary Michael E. Crews be granted. The magistrate judge also recommends that the plaintiff's claims under both state and federal law be dismissed with prejudice as to the following unserved defendants: Warden Ellis, Sergeant Davis, Correctional Officer Cobbs, Correctional Officer Carmichael, and mailroom workers M.L. Carnahan, Blocker, and LHB.

The plaintiff has filed objections (doc. 180) to the report and

recommendation. The court has reviewed those objections, finding therein no basis for rejecting the magistrate judge's report and recommendation. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order of the court.
2. The defendant's motion to dismiss (doc. 155) is GRANTED.
3. The plaintiff's state and federal claims against Jennifer Haas and Kristin Gavin are DISMISSED WITH PREJUDICE.
4. The plaintiff's federal claims against Michael E. Crews are DISMISSED WITH PREJUDICE. The plaintiff's state law negligence claim against Michael E. Crews in his official capacity is DISMISSED WITHOUT PREJUDICE. The plaintiff's state law claims against Michael E. Crews are otherwise DISMISSED WITH PREJUDICE.
5. The plaintiff's state and federal claims against Carnahan, Ellis, Davis Cobbs, Carmichael, Blocker, and LHB are DISMISSED WITH PREJUDICE.
6. The case shall be REMANDED to the magistrate judge for further proceedings.

DONE AND ORDERED this 27th day of January, 2014.

s/ William Stafford

WILLIAM STAFFORD

SENIOR UNITED STATES DISTRICT