

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

CHARLES BERNARD ROBINSON, JR.,

Plaintiff,

v.

Case No. 3:13cv387-LC-CJK

D. LARSON, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated August 31, 2017 (doc. 181). 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 the timely filed objections.

Having considered the Report and Recommendation, and the 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. Defendants' motion for summary judgment (docs. 157, 161, 166) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. the motion for summary judgment is granted as to plaintiff's Eighth Amendment conditions of confinement claim against defendant Larson;

b. the motion for summary judgment is denied as to plaintiff's Eighth Amendment excessive force claim against defendants Larson and Delapp;

c. the motion for summary judgment is granted as to plaintiff's Eighth Amendment deprivation of mental health care claim against defendants Larson, Delapp, and Martin;

d. the motion for summary judgment is granted as to plaintiff's claim for punitive damages.

3. This matter is referred to the assigned Magistrate Judge for further pretrial proceedings on:

a. plaintiff's Eighth Amendment excessive force claim against defendants Larson and Delapp for nominal damages.

DONE AND ORDERED this 18th day of September, 2017.

s/L.A. Collier

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE