

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JOE BROWN,

Plaintiff,

v.

Case No. 3:13cv572/LC/CJK

RICHARD COMERFORD, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation (doc. 16). 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). No objections have been filed. Having considered the Report and Recommendation, I have determined that it should be adopted.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 16) is adopted and incorporated by reference in this order.

2. Plaintiff's claims against defendants Michael Crews and Richard Comerford are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted.

3. Plaintiff's claims for compensatory and punitive damages are **DISMISSED WITHOUT PREJUDICE** under 42 U.S.C. § 1997e(e).

4. Plaintiff's claims for injunctive relief are **DISMISSED WITH PREJUDICE**.

5. This case is remanded to the Magistrate Judge for further proceedings on the following claims:

- a. Plaintiff's individual capacity claims for nominal damages against defendants Gielow, Suttles and Enfinger for their alleged use of excessive force on April 9, 2013, in violation of the Eighth Amendment and
- b. Plaintiff's individual capacity claims for nominal damages against defendants Gielow, Suttles, Enfinger, Carr and Moore for their alleged retaliation against plaintiff on April 9, 2013, in violation of the First Amendment.

DONE and ORDERED on this 21st day of July, 2014.

s/L.A. Collier

Lacey A. Collier
Senior United States District Judge