

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ANDREW DAVID HALL,

Plaintiff,

v.

Case No. 3:14cv140/MCR/CJK

C.O. MOORE, et al.,

Defendants.

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on December 16, 2014 (doc. 23), pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing any timely objections to the Recommendation, the Recommendation is adopted as the opinion of the court.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 23) is adopted and incorporated by reference in this order.

2. Plaintiff's claims against defendants Moore, Diamond and Simpson are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief may be granted.

3. This matter is remanded to the Magistrate Judge for further proceedings on plaintiff's individual capacity Eighth Amendment claims against defendants Hood, Thornhill and Gielow.

DONE AND ORDERED this 7th day of January, 2015.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE