

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

JAMMIE DARNELL GORDON, II,

Plaintiff,

v.

Case No. 3:15cv396-LC-HTC

COLONEL CARTER, et al.,

Defendants.

\_\_\_\_\_ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated January 16, 2020 (doc. 160). 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 Plaintiff's objections (doc. 161).

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. Plaintiff's claims against Defendant Smith are **DISMISSED WITHOUT PREJUDICE.**

3. The clerk is directed to terminate Officer Smith as a Defendant in this case.

4. This case is referred back to the chambers of Magistrate Judge Hope T. Cannon for further pretrial proceedings.

**DONE AND ORDERED** this 12<sup>th</sup> day of February, 2020.

s/L.A. Collier  
**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**