

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CHARLES LITTON MORRIS,

Plaintiff,

v.

Case No. 3:16cv15-RV-HTC

OFFICER DERRIC JOHNSON, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated May 3, 2019 (doc. 172). 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). The plaintiff has filed two objections (docs. 175, 176), which I have reviewed de novo.

Having considered the Report and Recommendation, and the objections thereto filed, 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. Defendant Corizon's Motion for Summary Judgment (docs. 144, 145) is **GRANTED**.

3. Defendants Johnson, Lucante and May's Amended Motion for Summary Judgment (doc. 156) is **DENIED** as to Plaintiff's Eighth Amendment claim and **GRANTED** as to Plaintiff's Fourteenth Amendment claim.

4. This matter is referred to the assigned Magistrate Judge for further pretrial proceedings on Plaintiff's individual capacity Eighth Amendment excessive force claim against Defendants Johnson, Lucante and May.

**DONE AND ORDERED** this 4<sup>th</sup> day of June, 2019.

/s/ Roger Vinson  
**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**