

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**HAROLD TONEY,**

**Plaintiff,**

**v.**

**Case No. 3:16cv418-LC-CJK**

**C. COURTNEY, et al.,**

**Defendants.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 30, 2017 (doc. 41). 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). 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. Plaintiff's Motion to Remand (doc. 10) is DENIED.
3. Defendants Dr. S. Schwartz and M. Nichols' Motion to Dismiss Plaintiff's Third Amended Complaint (doc. 23) is GRANTED and plaintiff's claims against them are DISMISSED WITH PREJUDICE.
4. Defendant Dennis Pollard's Motion to Dismiss Plaintiff's Third Amended Complaint (doc. 34) is GRANTED and plaintiff's claims against him are DISMISSED WITH PREJUDICE.
5. The Clerk is directed to close the file.

**DONE AND ORDERED** this 22<sup>nd</sup> day of September, 2017.

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