

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

RICKIE E. WILDER,  
Plaintiff,

vs.

Case No.: 3:17cv239/RV/EMT

ARAMARK, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated August 9, 2017 (ECF No. 21). 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 the timely filed objections.

Having considered the Report and Recommendation, and the timely filed objections thereto (doc. 24), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Defendant Burgess' motion to dismiss (ECF No. 12) is **GRANTED**,

Plaintiff's claims against Defendant Burgess are **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted, pursuant to Rule 12(b)(6), and Defendant Burgess is terminated from this case;

3. Plaintiff's Fourteenth Amendment equal protection claim and his Fourth, Sixth, and Eighth Amendment claims against Defendants Aramark and Hannah are **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

4. Plaintiff's Fourteenth Amendment due process claim against Defendant Aramark is **DISMISSED** for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), **without prejudice** to Plaintiff's filing an amended complaint;

5. Plaintiff's "Emergency Temporary Injunction" (ECF No. 5) is **DENIED**; and

6. This case is hereby remanded to the assigned magistrate judge for further proceedings, including issuance of an order establishing a deadline for Plaintiff to file an amended complaint asserting Fourteenth Amendment due process claims against Defendants Aramark and Mr. Hannah based upon their alleged failure to provide medically prescribed meals.

**DONE AND ORDERED** this 19th day of September, 2017.

/s/ *Roger Vinson*

**ROGER VINSON  
SENIOR UNITED STATES DISTRICT JUDGE**