

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

NAIL A. HARRY,

Plaintiff,

v.

CASE NO. 3:17cv328-MCR-CJK

M. NICHOLS, et al.,

Defendants.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated August 22, 2018. ECF No. 45. 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 any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely 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. Defendants' motion to dismiss the amended complaint (doc. 35) is **GRANTED IN PART** and **DENIED IN PART**.

2. Plaintiff's medical malpractice claim against defendants Corizon, Nichols, and Brady is **DISMISSED**.

3. This matter is referred to the assigned Magistrate Judge for further proceedings on plaintiff's Eighth Amendment claim against defendants Nichols and Brady.

**DONE AND ORDERED** this 20th day of September 2018.

*s/ M. Casey Rodgers*  
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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**