

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

BRIAN MARKEITH GAGE,

Plaintiff,

v.

Case No. 3:19cv3650-MCR-HTC

WALTER CLEMMONS,
CAPTAIN JOHN DOE,
TIMOTHY STEPHENS,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 4, 2020, ECF No. 39, which recommends that the Defendant Clemmons' motion to dismiss, ECF No. 30, be granted. The parties have been given an opportunity to file objections.

Having considered the Report and Recommendation, and any duly filed objections, 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, ECF No. 39, is adopted and incorporated by reference in this Order.
- (2) Defendant Clemmons' Motion to Dismiss, ECF No. 30, is GRANTED, and the First Amended Complaint, ECF No. 9, is DISMISSED WITH PREJUDICE as to Defendant Clemmons.
- (3) The Clerk is directed to refer the matter back to the magistrate judge for further proceedings.

DONE AND ORDERED this 9th day of October 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE