

**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.

O R D E R

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 9, 2020, ECF No. 41, which recommends that the Defendant Clemmons' motion to dismiss, ECF No. 30, as adopted by Defendant Stephens, ECF No. 35, 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. 41, is adopted and incorporated by reference in this Order.
- (2) Defendant Clemmons' Motion to Dismiss, ECF No. 30, as adopted by Defendant Stephens, ECF No. 35, is GRANTED, for failure to exhaust.
- (3) The Clerk is directed to enter judgment in favor of Sergeant Stephens.
- (4) Plaintiff's First Amended Complaint, ECF No. 9, is DISMISSED as there are no claims which remain pending against any defendant.
- (5) The Clerk is directed to close the file.

DONE AND ORDERED this 13th day of November 2020.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE