

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

SHAYNE MICHAEL FELL,

Plaintiff,

vs.

Case No.: 3:22-cv-17824/MCR/ZCB

NOLAN WEEKS,

Defendant.

_____ /

ORDER

The magistrate judge issued a Report and Recommendation on July 31, 2024. (Doc. 54). The Court furnished the parties a copy of the Report and Recommendation and afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). There have been no timely filed objections.

Having considered the Report and Recommendation and the record, I have determined the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The magistrate judge's Report and Recommendation (Doc. 54) is adopted and incorporated by reference in this order.
2. Defendants' motion to dismiss (Doc. 43) is **GRANTED in part** to the extent that Plaintiff's official capacity claim against Defendant is **DISMISSED**.

3. Defendant's motion to dismiss (Doc. 43) is **DENIED** in all other respects.

4. This case is recommitted to the magistrate judge for further proceedings.

DONE AND ORDERED this 28th day of August 2024.

M. Casey Rodgers
M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE