

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JERMAR D. WILLIAMS,

Plaintiff,

v.

Case No. 3:24cv355-LC-HTC

M. GONZALEZ, et al.,

Defendants.

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ORDER

The magistrate judge issued a Report and Recommendation on February 20, 2025 (ECF No. 43), recommending that Defendants' motion to dismiss be granted in part and denied in part. The parties were furnished 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).

Having considered the Report and Recommendation and conducted a *de novo* review of the timely filed objections thereto, I have determined the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The magistrate judge's Report and Recommendation (ECF No. 43) is adopted and incorporated by reference in this order.
2. Defendants' motion to dismiss (ECF No. 37) is GRANTED IN PART and DENIED IN PART as set forth below.

3. Williams' claims against Bishop and Streit are DISMISSED WITHOUT PREJUDICE due to Williams' failure to exhaust his administrative remedies, and the clerk is directed to terminate those Defendants.

4. Williams' negligence claim against Gonzalez is DISMISSED WITH PREJUDICE under Fla. Stat. § 768.28.

5. Williams' request for a declaratory judgment is DISMISSED.

6. Defendants' motion to dismiss Williams' request for punitive damages is DENIED.

7. This case is referred to the assigned magistrate judge for further proceedings on Williams' excessive force and battery claims against Gonzalez.

DONE AND ORDERED this 5th day of March, 2025.

s/L.A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE