

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

BRIAN SHAWN SAUDER,

Plaintiff,

v.

CASE NO. 4:10cv230-SPM/WCS

SERGEANT GREEN, et al.,

Defendants.

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**ORDER**

THIS CAUSE comes for consideration upon the magistrate judge's report and recommendation dated July 25, 2011. Doc. 39. The parties have been furnished with copies and Defendants Green and Pate filed objections pursuant to Title 28, United States Code, Section 636(b)(1). Doc. 11. Despite the objections, I have determined that the report and recommendation is correct and should be adopted. Plaintiff has stated enough plausible facts to support a claim that the threat of retaliation made administrative remedies unavailable to him.

Accordingly, it is

ORDERED AND ADJUDGED:

1. The magistrate judge's report and recommendation (doc. 39) is

ADOPTED and incorporated by reference in this order.

2. Defendants' motion to dismiss (doc. 31) is denied in part and granted in part. Plaintiff's claim for relief is limited to nominal damages against Defendants in their individual capacities.

3. This case is remanded to the magistrate judge for further proceedings.

DONE AND ORDERED this 16th day of August, 2011.

*s/ Stephan P. Mickle*  
Stephan P. Mickle  
Senior United States District Judge