

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

GEORGE RAYMOND JOHNSTON, III,

Plaintiff,

v.

CASE NO. 4:11cv21-MP-CAS

GLENN E. YOUNG, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated February 22, 2012. (Doc. 75). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, 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 is adopted and incorporated by reference in this order.
2. Defendants' motion to dismiss (doc. 70) is GRANTED in part and DENIED in part.
3. Plaintiff's due process claims are DISMISSED for failure to state a claim.
4. The claims against Defendant Edouard and Baldrige are DISMISSED for failure to properly exhaust administrative remedies.

5. Defendants' motion to dismiss (doc. 70) is DENIED with regard to Plaintiff's First and Eighth Amendment claims against Defendants Young and Bozeman in their individual capacities only and this case is REMANDED for further proceedings.

DONE and ORDERED this 7th day of August, 2012.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE