

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JOSE M. CHARRIEZ,

Plaintiff,

v.

CASE NO.: 4:11cv379-SPM/CAS

MARK GARCIA, et al.,

Defendants.

ORDER

This cause comes before the court on magistrate judge's Second Report and Recommendation dated October 31, 2012. (Doc. 46). The parties were given an opportunity to file objections to the report and recommendation and have done so. (Docs. 47, 48, 49). I have made a de novo determination of any timely filed objections pursuant to Title 28, United States Code, Section 636(b)(1).

Having considered the Report and Recommendation, and the objections 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 Second Report and Recommendation (doc. 46) is adopted and incorporated by reference in this order.
2. Defendants' motion to dismiss (doc. 39) is GRANTED in part as to plaintiff's claims against Defendants Bannister and Stine.
3. Defendants' motion to dismiss (doc. 39) is DENIED in part as to plaintiff's claim against Defendant Garcia.
4. This case is remanded to the Magistrate Judge for further proceedings on plaintiff's claim against Defendant Garcia.

DONE and ORDERED this 25th day of March, 2013.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE