

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

RONDY ALEXIS PHILO,

Plaintiff,

v.

CASE NO. 4:11cv394-SPM/GRJ

ROBERT REAMS, et al.,

Defendants.

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ORDER

THIS CAUSE comes before the court on the magistrate judge's Report and Recommendation dated December 26, 2012. (Doc. 52). No objections have been filed. Having considered the Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's Report and Recommendation (doc. 52) is ADOPTED and incorporated by reference in this order.
2. Defendants' motion to dismiss (doc. 37) is GRANTED in part and DENIED in part.
3. The motion to dismiss is DENIED as to plaintiff's Eighth Amendment claims against defendants Reams, Koch, Pridgeon, and Dickey in their individual capacities.
4. The motion to dismiss is GRANTED as to plaintiff's Eighth Amendment claims against defendants Reams, Koch, Pridgeon, and Dickey in their official capacities.
5. The motion to dismiss is GRANTED as to any claim for a retaliatory disciplinary report.
6. Plaintiff's claims for a temporary restraining order and injunctive relief are denied at this time.

7. This case is referred to the magistrate judge for further proceedings.

DONE AND ORDERED this 19th day of February, 2013.

s/ *M. Casey Rodgers*
M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE