

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

VICTOR DONTAVIOUS STALLWORTH,

Plaintiff,

v.

CASE NO. 4:11cv432-RH/CAS

SERGEANT S. TYSON,

Defendant.

_____ /

ORDER DISMISSING THE OFFICIAL-CAPACITY CLAIMS

This case is before the court on the magistrate judge's report and recommendation, ECF No. 39. No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The defendant's motion to dismiss, ECF No. 31, is GRANTED. The plaintiff's claims against the defendant in her official capacity are DISMISSED. I

do *not* direct the entry of judgment under Federal Rule of Civil Procedure 54(b).

The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on July 11, 2012.

s/Robert L. Hinkle
United States District Judge