

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

JOHN C. SPAULDING,

Plaintiff,

v.

CASE NO. 4:11-cv-00605-MP-CAS

RONNIE WOODALL, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated February 17, 2015. (Doc. 148). 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). The time for filing objections has passed, and none have been filed.

Having considered the Report and Recommendation, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 148) is adopted and incorporated by reference in this order.
2. Plaintiff's claims raised against Defendants Jennings and Johnson are **DISMISSED** for failure to serve Defendants with process within 120 days as required by Rule 4(m).
3. Plaintiff's claims against Defendant Tucker are **DISMISSED** for failure to state a claim and for failure to serve process.

4. The first motion to dismiss by Defendants Adams, Neel, and Secretary Jones (doc. 74) is GRANTED. Plaintiff's claim against the Secretary of the Department of Corrections Michael Crews, hereby substituted as Julie Jones, is DISMISSED as Plaintiff's requests for injunctive and declaratory relief are moot and Defendant holds immunity under the Eleventh Amendment. Plaintiff's claims against Defendants Adams and Neel are DISMISSED for failure to state a claim upon which relief may be granted.
5. The second motion to dismiss by Defendants Bass, Ford, Gartman, Goodwin, Howard, and Landrum (doc. 78) is GRANTED IN PART. Plaintiff's claims against these Defendants in their official capacities, Plaintiff's requests for declaratory and injunctive relief against these Defendants, and Plaintiff's requests for monetary damages as to Defendants Bass, Ford, Goodwin, Howard, and Landrum, are DISMISSED. Otherwise, the motion is DENIED.
6. The third motion to dismiss by Defendants Lagos and Woodall (doc. 97) is GRANTED IN PART. Plaintiff's claims against these Defendants in their official capacities, and Plaintiff's requests for declaratory and injunctive relief and monetary damages against these Defendants, are DISMISSED. Otherwise, the motion is DENIED.
7. The fourth motion to dismiss by Defendant Reynolds (doc. 118) is GRANTED IN PART. Plaintiff's claims against this Defendant in her official capacity and Plaintiff's requests for declaratory and injunctive relief and monetary damages against this Defendant are DISMISSED. Otherwise, the motion is DENIED.
8. This case is REMANDED to the Magistrate Judge for further proceedings, with all remaining claims proceeding against Defendants in their individual capacities only, limited to nominal damages only, with the exception of Plaintiff's claims against Defendants Gartman and Madan, upon which Plaintiff may request compensatory and punitive damages.

DONE AND ORDERED this 13th day of April, 2015

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge