

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

WILLIAM TONY McCROAN,

Plaintiff,

v.

CASE NO. 4:13-cv-370-MW/GRJ

**MARGUERITE J. MORGAN
and ADAM SMITH,**

Defendants.

_____ /

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

This Court has considered, without hearing, the Magistrate's Report and Recommendation, ECF No. 45, along with the objections filed by the Plaintiff, ECF No. 46. Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over the Plaintiff's objections, as this Court's opinion.

The Clerk shall enter judgment stating, "Defendant Morgan's Motion to Dismiss, ECF No. 26, is **GRANTED** . Plaintiff's claims against Defendant Morgan are **dismissed with prejudice** in their entirety."

This case will proceed against Defendant Smith who has been served but has failed to file any response to the complaint. Plaintiff has not filed a motion for default against Defendant Smith.

Further, Plaintiff is **granted leave to amend his complaint** to incorporate new claims against Chief Smith and Officer Chafin as raised in Plaintiff's response to the motion to dismiss.

This cause is remanded to the Magistrate for further proceedings and for review of Plaintiff's objections, ECF 46, wherein Plaintiff moves for entry of a default judgment against Chief Smith.

SO ORDERED on April 16, 2014.

s/Mark E. Walker
United States District Judge