

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

**CONRAAD L. HOEVER,**

**Plaintiff,**

v.

**Case No. 4:13cv549-MW/GRJ**

**C. CARRAWAY, et al.,**

**Defendants.**

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**ORDER ACCEPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate's Report and Recommendation, ECF No.51, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No.56. Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Plaintiff's objections as this Court's opinion. Defendant's Motion to Dismiss, ECF No. 45, is **GRANTED in part** to the extent that Plaintiff's claim for violation of due process is **dismissed**; Plaintiff's claims against Defendants in their official capacities for damages are **dismissed**; Plaintiff's claims for compensatory and punitive damages against Defendants in their individual capacities are **dismissed**; and Plaintiff's claims for declaratory or injunctive relief are **dismissed**. In all

other respects Defendant's motion to dismiss, ECF No. 45, is **DENIED**. This cause is **remanded** to the Magistrate for consideration of Plaintiff's First Amendment claims for retaliation against Defendants Marks, Nunez and Paul for nominal damages.

As to the due process claim, this Court notes that Plaintiff explicitly states that he did not assert a separate claim based on the "June 6, 2013, incident" but "the incident was used to demonstrate the pattern of . . . behavior." ECF No. 50 at 9. Stated otherwise, Plaintiff's assertion that the Magistrate confused the words "concerted" and "conceded" is nonsensical.

**SO ORDERED on February 20, 2015.**

**s/Mark E. Walker**  
**United States District Judge**