

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

**BRIAN C. HUTCHINS,**

**Plaintiff,**

v.

**Case No. 4:14cv302-MW/GRJ**

**OFFICER JODY FRUCHTNICHT,  
et al.,**

**Defendants.**

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**ORDER ACCEPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No.24, and has reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No.26. 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. 15, is **GRANTED in part and DENIED in part** as follows:

1. Plaintiff's claims of conspiracy against Defendants are **DISMISSED**.
2. Plaintiff's claims against Defendant McCranie which are premised on supervisory liability are **DISMISSED**.

3. Plaintiff's Fourteenth Amendment claims stemming from the alleged failure to prepare a use of force report are **DISMISSED**.

4. This case is **remanded** to the Magistrate Judge for further proceedings.

**SO ORDERED on July 17, 2015.**

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