

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

BOBBY L. MAGWOOD,

Plaintiff,

v.

Case No. 4:14cv313-MW/CAS

MICHAEL D. CREWS, et al.,

Defendants.

**ORDER ACCEPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate's Report and Recommendation, ECF No. 32, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No.33. Accordingly

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Plaintiff's objections as this Court's opinion. The motion to dismiss, ECF No. 29, is **GRANTED**. Plaintiff's complaint, ECF No. 7, is **DISMISSED** as to Defendants Haas, Oqunsanwo, and Rummel for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2). Further, the motion to dismiss, ECF No. 11, is **GRANTED**, and Plaintiff's complaint, ECF No. 7, is **DISMISSED** as to Defendants Crews, Comerford, and Nichols, for failure to state a claim upon

which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2) . Plaintiff is **permitted to submit** an amended complaint limited only to Plaintiff's Eighth Amendment claim against Defendant Nichols, and limited to a monetary request for no more than nominal damages pursuant to 42 U.S.C. § 1997e(e). This case is **REMANDED for further proceedings.**

SO ORDERED on January 30, 2015.

s/Mark E. Walker
United States District Judge