

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

BOBBY L. MAGWOOD,

Plaintiff,

v.

Case No. 4:14cv314-MW/CAS

OFFICER BEEM, 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.31, 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. 24 is **GRANTED** as to all claims and all Defendants with the exception of Plaintiff's Eighth Amendment claim against Defendant Beem and Eighth Amendment claim against Defendant Hawkins; that the claims proceed against the Defendants in their individual capacities only; that Plaintiff's request for declaratory and injunctive relief be stricken as moot due to his transfer; and that the request for damages be

limited to nominal damages pursuant to 42 U.S.C. § 1997(e). This case is **REMANDED** to the Magistrate for further proceedings on the two surviving claims.

SO ORDERED on February 25, 2015.

s/Mark E. Walker
United States District Judge