

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

AKEEM MUHAMMAD,

Plaintiff,

v.

Case No. 4:14cv379-MW/GRJ

JULIE L. JONES,¹ et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the magistrate judge's report and recommendation, ECF No. 129, and has also reviewed *de novo* Plaintiff's objections, ECF No. 142.

The objections are overruled. A district court may dismiss claims against redundant official-capacity defendants. *See Busby v. City of Orlando*, 931 F.2d 764, 776 (11th Cir. 1991). This principle applies even when prospective relief is sought from the official-capacity defendants. *See Brenner v. Scott*, 999 F. Supp. 2d 1278, 1286 (N.D. Fla. 2014); *Murray v. Birmingham Bd. of Educ.*, No. 2:13-CV-822-KOB, 2013 WL 5923725, at *2 (N.D. Ala. Oct. 31, 2013).

¹ Under Federal Rule of Civil Procedure 25(d), Julie L. Jones, who is the current Secretary of the Florida Department of Corrections, is automatically substituted as Defendant in place of Michael D. Crews.

The Secretary asserts that complete relief may be provided without the other Defendants in their official capacities. ECF No. 113, at 4. There is no apparent reason to disagree. But “[i]f it turns out later that complete relief cannot be afforded against the Secretary . . . , any necessary and proper additional defendant can be added.” *Brenner*, 999 F. Supp. 2d at 1286.

As the magistrate judge’s report and recommendation noted, the claims against these Defendants in their individual capacities shall remain.

Accordingly,

IT IS ORDERED:

1. The report and recommendation, ECF No. 129, is **accepted and adopted**, over Plaintiff’s objections, as this Court’s opinion.
2. The Clerk must note on CM/ECF that Julie L. Jones, the current Secretary of the Florida Department of Corrections, is substituted as Defendant in place of Michael D. Crews.
3. Defendants’ Motion for Judgment on the Pleadings with Respect to Claims Against Defendants in Their Official Capacities, ECF No. 113, is **GRANTED**. All official-capacity claims against Defendants Crews, Upchurch, Taylor, Bailey, Henkle, Campbell, Tallent, Andrews, Cannon, Creamer, Dew and Fuhrman are **DISMISSED** without prejudice.

Plaintiff's official -capacity claim against Julie L. Jones as Secretary of the Florida Department of Corrections shall remain.

4. This Court does *not* direct entry of judgment as to the dismissed claims under Federal Rule of Civil Procedure 54(b).
5. This cause is **remanded** to the magistrate judge for further proceedings.

SO ORDERED on June 11, 2015.

s/Mark E. Walker
United States District Judge