

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF FLORIDA**  
**TALLAHASSEE DIVISION**

**JIMMY SCOTT, JR.,**

*Plaintiff,*

**v.**

**Case No. 4:14cv478-MW/CAS**

**CAPTAIN McCAMMON,**

*Defendant.*

\_\_\_\_\_ /

**ORDER ACCEPTING AND ADOPTING SECOND REPORT  
AND RECOMMENDATION**

This Court has considered the Magistrate's Second Report and Recommendation, ECF No. 109, filed April 24, 2017. This Court has also reviewed *de novo* Defendant McCammon's Objections to the Report and Recommendation, ECF No. 110, filed May 8, 2017. This Court agrees with the Magistrate's report and recommendation. But this was a very close call, and this Court recognizes that this issue may be the subject of a Rule 50 motion.

Accordingly,

**IT IS ORDERED:**

The report and recommendation, ECF No. 109, is

**ACCEPTED** and **ADOPTED, over the objections,** as this Court's opinion. Defendant's second motion for summary judgment is **DENIED.** The Courtroom Deputy shall notice this matter for trial.

**SO ORDERED on May 10, 2017.**

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