

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

**MATTHEW THOMPSON,**

**Plaintiff,**

**v.**

**Case No. 4:14cv620-MW/CAS**

**CHRIS COLLETTE,  
and SCOTT DUVAL,**

**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. 52, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 55.

As part of its review, this Court considered Plaintiff's affidavit, ECF No. 51 at 5, together with his verified complaint and attachments.<sup>1</sup> ECF No. 16. Other than Plaintiff's conclusory statements, there is absolutely no evidence to support his claim that the Defendants deliberately "slow starved" him. To the contrary, Plaintiff's own

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<sup>1</sup> A verified pleading may be treated as an affidavit on summary judgment if it satisfies the standards of Rule 56. See *United States v. Four Parcels of Real Prop. in Greene & Tuscaloosa Crys. in State of Ala.*, 941 F.2d 1428, 1444 n.35 (11th Cir. 1991); *Gordon v. Watson*, 622 F.2d 120, 123 (5th Cir.1980); *Fowler v. S. Bell Tel. & Tel. Co.*, 343 F.2d 150, 154 (5th Cir. 1965). Moreover, this Court can consider information reducible to admissible evidence at trial.

statements and documents demonstrate that Plaintiff was fed the same food as the other inmates and when he complained about his weight loss, remedial action was taken; namely, he was transported to the medical unit and prescribed a 4,000 calorie diet. It is no answer that there was a delay in instituting the 4,000 calorie diet. In the verified complaint, Plaintiff even suggests that such a delay may have been due to the facility's inefficiency – recognizing it may not have been intentional. ECF NO. 16 at 7. And, there is no evidence that the Defendants, as opposed to somebody else at the facility, caused such a delay.

For these reasons,

**IT IS ORDERED:**

The report and recommendation is **accepted and adopted**, over Plaintiff's objections, as this Court's opinion. The Clerk shall enter judgment stating, "Defendants' Motion for Summary Judgment, ECF No. 46, is **GRANTED** and judgment is entered in favor of Defendants Chris Collette and Scott Duval against Plaintiff, Matthew Thompson." The Clerk shall close the file.

**SO ORDERED on March 9, 2017.**

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