

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

JAMES V. SMITH, JR.,

Plaintiff,

v.

CASE NO. 4:15cv53-RH/CAS

ADAM VAN et al.,

Defendants.

_____ /

**ORDER DISMISSING THE CLAIMS AGAINST
DEFENDANTS COULIETTE AND PHILMAN**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 98. No objections have been filed. Upon consideration,

IT IS ORDERED:

1. The report and recommendation is accepted and adopted as the court's opinion.

2. The defendant Couliette's motion to dismiss, ECF No. 59, and the defendant Randy D. Philman's motion to dismiss, ECF No. 92, are granted for failure to state a claim against these defendants on which relief can be granted.

3. I do *not* direct the entry of judgment under Federal Rule of Civil Procedure 54(b).

4. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on June 22, 2017.

s/Robert L. Hinkle
United States District Judge