

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

YVELAN PIERRE,

Plaintiff,

v.

CASE NO. 4:15cv148-RH/GRJ

D. PADGETT et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 108. No objections have been filed.

The report and recommendation correctly concludes that, under the law of the circuit, the petitioner's alleged injuries are no more than *de minimis* and thus, under the Prison Litigation Reform Act, are insufficient to support a claim for compensatory or punitive damages. *Compare Harris v. Garner*, 190 F.3d 1279, 1286 (11th Cir.1999), op. reinstated in part on rehearing, 216 F.3d 970 (2000) (holding that injuries that were comparable to the petitioner's here were *de minimis*); *Ledlow v. Givens*, 500 F. App'x 910, 914 (11th Cir. 2012) (same); *Tate*

v. Rockford, 497 F. App'x 921, 925 (11th Cir. 2012) (same), with *Johnson v. Breeden*, 280 F.3d 1308, 1312, 1321 (11th Cir. 2002) (holding not *de minimis* a head injury causing swelling and a seizure and lacerations and contusions to the face, shoulders, and upper back). The report and recommendation also correctly rejects the petitioner's other assertions.

Accordingly,

IT IS ORDERED:

The report and recommendation is accepted. The defendants' summary-judgment motion, ECF No. 89, is granted in part and denied in part. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on March 3, 2017.

s/Robert L. Hinkle
United States District Judge