

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

**MATTHEW JOHN THOMPSON,**

**Plaintiff,**

**v.**

**Case No. 4:15cv253-MW/CAS**

**CAPTAIN J. SIKES,  
SERGEANT J. STRENGTH, and  
CORRECTIONAL OFFICER GOFF,**

**Defendants.**

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**ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION AND  
DIRECTING CLERK TO REASSIGN CASE**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 56 Upon consideration, no objections having been filed by the parties,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion as follows:

1. Plaintiff's motion for summary judgment, ECF No. 47, is **DENIED**.
2. Defendants' second amended motion for summary judgment, ECF No. 53, is **DENIED in part** because there is a genuine dispute of material fact as to the First and Eighth Amendment claims. Defendants' motion for summary judgment is

**GRANTED** as to the separate conspiracy claim and claims presented against the Defendants in their official capacities.

3. This case shall proceed against the Defendants in their individual capacities for nominal damages only.

4. The Clerk is directed to reassign this action to U.S. District Judge Robert Hinkle inasmuch as Judge Hinkle is presiding over Case No. 4:14cv465-RH with common questions of issue and fact. Judge Hinkle shall make the determination whether to consolidate the cases.

**SO ORDERED on February 23, 2017.**

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