

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

DAMIEN CHRISTOPHER HAYES,

Plaintiff,

v.

Case No. 4:16cv28-MW/CAS

DR. FRANCIS ONG, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Second Report and Recommendation. ECF No. 79. Upon consideration, no objections having been filed by the parties,

IT IS ORDERED:

The second report and recommendation is **accepted and adopted** as this Court's opinion. The motion for summary judgment filed by Defendant Ong, ECF No. 63, is **GRANTED**. The summary judgment motion filed by Plaintiff, ECF No. 64, is **DENIED**. The summary judgment motion filed by Defendants Bucarelli, Lee, Campbell, and Winree, ECF No. 66, is **GRANTED**. Plaintiff's claim against Dr. Delacerna is **DISMISSED** pursuant to Federal Rule of Civil Procedure 12(b)(5) for failure to serve the Defendant with process. The Clerk shall enter judgment stating,

“Plaintiff’s claims against Defendants are dismissed.” The Clerk shall close the file.

SO ORDERED on September 28, 2017.

s/Mark E. Walker
United States District Judge