

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

WILLIE DICKERSON, JR.,

Plaintiff,

v.

CASE NO. 4:16cv113-RH/CAS

SERGEANT ANDREW MOCK,  
et al.,

Defendants.

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**ORDER GRANTING SUMMARY JUDGMENT IN PART**

This prisoner civil-rights case is before the court on the magistrate judge's report and recommendation, ECF No. 103. No objections have been filed.

The report and recommendation correctly concludes that the plaintiff's conspiracy claim does not provide a basis to recover separate and apart from the underlying claims, that the plaintiff cannot recover against official-capacity defendants, and that the record presents genuine disputes of material fact on whether the defendants used excessive force against the plaintiff and he suffered more than *de minimis* injury as a result. Accordingly,

IT IS ORDERED:

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

2. The defendants' summary-judgment motion, ECF No. 83, is granted in part. The plaintiff's conspiracy claim and claims against official-capacity defendants are dismissed. I do *not* direct the entry of judgment under Federal Rule of Civil Procedure 54(b).

3. The plaintiff's summary-judgment motion, ECF No. 94, is denied.

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

SO ORDERED on September 16, 2017.

s/Robert L. Hinkle  
United States District Judge