

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

**SANDRA GAIL CARRIN,
as the Personal Representative of
the Estate of RAYMOND MARSHALL
CARRIN,**

Plaintiff,

v.

Case No.: 4:21cv486-MW/MAF

**SHAUNA MARIE SMILEIDGE,
et al.,**

Defendants.

_____ /

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Fourth Report and Recommendation. ECF No. 131, and has also reviewed *de novo* Defendant's objections, ECF No. 139.

The Magistrate Judge recommends denying Defendant Jimenez's motion for summary judgment because disputed issues of fact remain as to whether Dr. Jimenez was deliberately indifferent to Mr. Carrin's serious medical needs. This Court agrees. Defendant Jimenez argues that the record demonstrates that he took reasonable steps to treat Mr. Carrin's serious medical needs, but timely treatment was thwarted by the Utilization Review Committee's delay in approving his GI

consult request. But while a reasonable jury may agree with Dr. Jimenez's view of the facts, the record also permits a reasonable inference that Dr. Jimenez sat on his hands after he submitted the GI consult request, and ultimately delayed necessary medical treatment, despite his knowledge that Mr. Carrin required treatment for his serious medical needs.

Accordingly,

IT IS ORDERED:

The report and recommendation, ECF No. 131, is **accepted and adopted**, over the Defendant's objections, as this Court's opinion. Defendant Jimenez's motion for summary judgment, ECF No. 110, is **DENIED**.

SO ORDERED on March 26, 2024.

s/Mark E. Walker
Chief United States District Judge