

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

SALVATORE J. RAFFONE,

Plaintiff,

v.

Case No. 4:24cv408-TKW-MAF

RICKY DIXON, et al.,

Defendants.

ORDER

This case is before the Court based on the magistrate judge's Report and Recommendation (R&R) (Doc. 13)¹ and Plaintiff's objection (Doc. 19). The objection focused on the substance of Plaintiff's claims, not any error in the magistrate judge's specific rulings.

Based on the Court's de novo review of the R&R and objection under 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 72(b)(3), the Court agrees with the magistrate judge's determination that the official capacity claims against all defendants should be dismissed based on Eleventh Amendment immunity; that the individual capacity claim against Defendant Dixon should be dismissed for failure to state a plausible claim for relief; and that the individual capacity claims against the other defendants

¹ The R&R was originally entered as Doc. 13 on February 7, but it was re-entered on February 18 as Doc. 17. There are no substantive differences in the two documents.

should be transferred to Southern District of Florida because the events giving rise to those claims occurred at a state prison located within geographic jurisdiction of that court. Accordingly, it is

ORDERED that:

1. The R&R is adopted and incorporated by reference in this Order.
2. The official capacity claims against all defendants are **DISMISSED** under 28 U.S.C. §1915(e)(2)(B)(i) and (iii) based on Eleventh Amendment immunity.
3. The individual capacity claim against Defendant Dixon is **DISMISSED** under 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a plausible claim for relief.
3. The individual capacity claims against the other defendants are **TRANSFERRED** to the United States District Court for the Southern District of Florida, Miami Division, under 28 U.S.C. §1406(a).
4. The Clerk shall effectuate the transfer and close the case file in this Court.

DONE AND ORDERED this 7th day of March, 2025.



T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE