

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

TYRIE L. NELMS,

Plaintiff,

vs.

CASE NO. 5:07cv62/RS-MD

SERGEANT BERT HATCHER,

et al,

Defendants.

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ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 111) and Plaintiff's Objection To Motion Granted In Regards To Defendant Nurse Bryson (Eighth and Fourteenth Amendment) (Doc. 112). I have considered Plaintiff's objections *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendants' Motion for Summary Judgment (Doc. 106) is granted with respect to Plaintiff's damages claims against Defendants in their official capacities. Partial summary judgment shall be entered in favor of Defendants as to those claims.
3. The Motion For Summary Judgment (Doc. 106) is granted with respect to Plaintiff's Eighth and Fourteenth Amendment claims against Defendant Nurse Bryson. Summary judgment shall be entered in favor of Defendant

Nurse Bryson.

4. Defendants' Motion For Summary Judgment (Doc. 106) is denied as to all other claims.
5. This case is referred to the Magistrate Judge for further proceedings on Plaintiff's Eighth Amendment claims against Defendants Hatcher and Tidwell in their individual capacities.

ORDERED on January 7, 2009.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE