

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

MELVIN BERNARD THOMPSON,

Plaintiff,

vs.

CASE NO: 5:09cv73/RS-EMT

MONICA McCALL WINDSOR,

Defendant.

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 178); Defendant Windsor's Objection To The Report and Recommendation Regarding Defendant's Motion For Summary Judgment (Doc. 182); and Plaintiff's Objections (In Part) Alternatively: Motion For Clarification of Report and Recommendation (Doc. 183). I have considered all objections (Docs. 182 and 183) *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report And Recommendation is approved and incorporated in this Order.
2. In response to Plaintiff's request for reconsideration, Plaintiff is advised that ordinarily an Order which denies a motion for summary judgment is not appealable and that the Report and Recommendation does not address the admissibility of evidence in any future proceedings.
3. Defendant's Motion for Summary Judgment (Doc. 101) is granted in part on Plaintiff's claim for monetary damages against Defendant in her official

capacity. Those claims are dismissed as barred by Eleventh Amendment.

Defendant's Motion for Summary Judgment is denied in all other respects.

4. The Plaintiff's "Belated-Refiled Amended Motion For Emergency Temporary Injunction" (Doc. 99) is **denied**.

ORDERED on August 5, 2010.

/s/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE