

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

TEDDY SHAWN STOKES,

Plaintiff,

vs.

CASE NO. 5:09-cv-326/RS-CJK

CHRISTINE OWENS,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 60).

Plaintiff has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and is incorporated in this Order.
2. Defendant's Motion to Dismiss (Doc. 5) is **GRANTED** to the extent Plaintiff's Second Amended Complaint fails to state an Eight Amendment claim.
3. Plaintiff's Eighth Amendment Claim asserted under §1983 is **DISMISSED with prejudice** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for Plaintiff's failure to state a claim upon which relief may be granted.
4. Plaintiff's state law claims are **DISMISSED without prejudice**.
5. The clerk is directed to close the file.

ORDERED on November 18, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE