

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

DARRELL L. JACKSON,

Plaintiff,

v.

CASE NO. 5:09cv338-RH

LT. R. K. CUTCHINS, et al.,

Defendants.

_____ /

**ORDER DISMISSING ALL THE PLAINTIFF'S CLAIMS
EXCEPT THOSE AGAINST THE NURSES ASSERTING
DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 50, and the objections, ECF No. 54. I have reviewed *de novo* the issues raised by the objections. The objections assert that following a recent transfer, the plaintiff has not received copies of his legal materials, including the fourth amended complaint. But the plaintiff does not assert that he lacks a copy of the report and recommendation, and he has not shown any actual inability to assert any appropriate objections to it. The plaintiff has had adequate time to do so. Upon consideration,

IT IS ORDERED:

1. The report and recommendation is ACCEPTED and adopted as the court's opinion.
2. The plaintiff's claims against the defendants Nurse H. Fromm and Nurse 2 asserting deliberate indifference to serious medical needs remain pending and are remanded to the magistrate judge for further proceedings.
3. The plaintiff's claim under 42 U.S.C. § 1983 challenging the June 23, 2009, discipline and resulting revocation of gain time is dismissed without prejudice.
4. The plaintiff's other claims are dismissed with prejudice.
5. I do *not* direct the entry of judgment under Federal Rule of Civil Procedure 54(b).

SO ORDERED on March 24, 2011.

s/Robert L. Hinkle
United States District Judge