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

KENNETH E. RICKERSON,

Plaintiff,

v. CASE NO. 5:11cv279-MP-GRJ

S. GILLS, et al.,

Defendants.
_____/

O R D E R

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated February 8, 2012. (Doc. 13). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. The ADA claims against defendants Gills, Kats-Kagan, Doyle, and CCA are DISMISSED for failure to state a claim.

3. The ADA claim against defendant Harvey in her individual capacity is DISMISSED for failure to state a claim.

4. The § 1983 claims against the Florida Department of Corrections (DOC) are DISMISSED for failure to state a claim.

5. The § 1983 claims against defendant Harvey in her individual or official capacities are DISMISSED for failure to state a claim.

6. The claims for § 1983 damages against defendants Gills, Kats-Kagan and Doyle in their official capacities are DISMISSED for failure to state a claim.

7. The Florida Department of Management Services (DMS) are DISMISSED as a party to this suit because plaintiff has failed to state a claim against DMS.

8. The only ADA claims that may go forward are plaintiff's claims against the DOC and defendant Harvey in her official capacity. The only § 1983 claims that may go forward are plaintiff's claim against CCA; against defendants Gills, Kats-Kagan, and Doyle in their official capacities, but only to the extent plaintiff seeks prospective injunctive relief; and against defendants Gills, Kats-Kagan, and Doyle in their individual capacities.

DONE and ORDERED this 22nd day of March, 2012.

s/ *M. Casey Rodgers*

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE