

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

DARRELL JACKSON,

Plaintiff,

v.

CASE NO. 5:11-cv-414-MW/GRJ

NURSE H. FROMM,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

This Court has considered, without hearing, the Magistrate's Report and Recommendation, ECF No.57, filed December 27, 2013. Upon consideration, no objections having been filed,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion which addresses Plaintiff's claim of deliberate indifference to a serious medical need. To the extent Plaintiff also claims that Defendant is liable for the unnecessary and wanton infliction of pain, the un rebutted evidence is that any pain suffered by Plaintiff occurred during the course of a legitimate medical examination. There is absolutely no evidence, not one scintilla, to suggest that Defendant intentionally inflicted pain on Plaintiff for no medical purpose and thus

Defendant is entitled to summary judgment even if the complaint is read more expansively.

Defendant's Motion for Summary Judgment, ECF No. 53, is **GRANTED**. The Clerk shall enter judgment stating, "Plaintiff's claims against defendant are **dismissed with prejudice.**" The Clerk must close the file.

SO ORDERED on January 29, 2014.

s/Mark E. Walker
United States District Judge