

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

THOMAS STERLING PAYNE,

Plaintiff,

v.

Case No. 5:13cv91-MW/GRJ

**FRANK McKEITHEN and
RONALD LIPPMANN,**

Defendants.

_____ /

**ORDER ACCEPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate's Report and Recommendation, ECF No.50, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 55. Accordingly

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Plaintiff's objections, as this Court's opinion. Defendant McKeithen's motion for summary judgment, ECF No. 34, is **GRANTED**. Defendant Lippmann's motion for summary judgment, ECF No. 36, is **GRANTED in part** to the extent that the Complaint states negligence claims under state law. In all other respects, Defendant Lippmann's motion for summary judgment is **DENIED**. This case is **remanded** Magistrate Judge Jones for entry of an order governing an additional

limited period of discovery and for reconsideration of Plaintiff's motions seeking appointment of counsel.

SO ORDERED on April 13, 2015.

s/Mark E. Walker
United States District Judge