

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

MARK WALLACE FITZGERALD,

Plaintiff,

v.

CASE NO. 5:13-cv-261-RS-EMT

**CORRECTIONS CORPORATION OF
AMERICA, et al.,**

Defendants.

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 19). No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The claims against Defendants CCA, Ellis, Durrance, Ruffin, Sanders, and Doyle are **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. This matter is referred to Magistrate Judge Timothy for further proceedings on Plaintiff's Eighth Amendment claims against Defendants Russell, Gillis, Grinder, and "Unidentified Nurse."

ORDERED on April 29, 2014.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE