

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

CECIL MATHEWS,

Plaintiff,

v.

CASE NO. 5:15cv8-RH/GRJ

LAUREN DAVIS et al.,

Defendants.

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ORDER ON THE MOTION TO DISMISS

This case is before the court on the magistrate judge's report and recommendation, ECF No. 40. No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED. The motion to dismiss, ECF No. 35, is GRANTED IN PART and DENIED IN PART. Any claim for damages against an official-capacity defendant is dismissed. Any claim for punitive damages against any defendant is dismissed. The plaintiff's claims for punitive damages against the defendants in their individual capacities are

DISMISSED. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on November 10, 2015.

s/Robert L. Hinkle
United States District Judge