

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

SAM EVANS,

Plaintiff,

v.

Case No. 5:15cv46-RV-CJK

T. NICHOLS,

Defendant.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated June 15, 2017 (doc. 35). 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). No objections have been filed.

Having considered the Report and Recommendation, 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. Defendant T. Nichols' motion to dismiss (doc. 28) is **GRANTED** and plaintiff's Eighth Amendment claim against Nichols is **DISMISSED WITHOUT PREJUDICE**.

3. The clerk is directed to close the file.

**DONE AND ORDERED** this 18<sup>th</sup> day of July, 2017.

*/s/ Roger Vinson*

**ROGER VINSON**

**SENIOR UNITED STATES DISTRICT JUDGE**