

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

WARREN OLIVER,

PLAINTIFF,

-vs-

Case No. 5:15-cv-00153-WTH-GRJ

SGT. GAFFORD, et al.,

DEFENDANTS.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated May 1, 2017. (Doc. 157). 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). Plaintiff has filed objections at Doc. 161. I have made a *de novo* review based on those objections. Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Defendants' Motion for Partial Summary Judgment, ECF No. 118, is **GRANTED IN PART AND DENIED IN PART.**

3. Defendants Burdeshaw, Gafford, Jones, and Silcox's motion for summary judgment on Plaintiff's claims of physical assault is **DENIED**. Defendants' motion for summary judgment with regard to all other claims against them addressed in their motion for partial summary judgment is **GRANTED**. Further, Plaintiff will not be permitted to recover compensatory and punitive damages, but may be permitted to recover nominal damages if he succeeds on any of his claims that his constitutional rights were violated.
4. This matter is remanded to the Magistrate Judge for further proceedings.  
IT IS SO ORDERED.

DONE and ORDERED at Gainesville, Florida this 26th day of June, 2017.



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UNITED STATES DISTRICT JUDGE