

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

WARREN OLIVER,

Plaintiff,

v.

CASE NO. 5:15-cv-00153-WTH-GRJ

SGT. GAFFORD, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORTS AND RECOMMENDATIONS**

This cause comes on for consideration upon two of the Magistrate Judge's Reports and Recommendations dated January 9, 2018, and February 1, 2018. (ECF No. 216, 217, respectively). The parties have been furnished a copy of the Reports and Recommendations 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 ECF No. 219 and ECF No. 221. Defendant Davis has filed a Response to plaintiff's Objection at ECF No. 222. I have made a *de novo* determination of any timely filed objections. Having considered the Reports and Recommendations, any objections thereto timely filed, and any responses, I have determined that the Reports and Recommendations should be adopted.

Accordingly, it is now **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge's Reports and Recommendations are adopted and incorporated by reference in this order.

2. Defendant Davis' Motion for Summary Judgment, ECF No. 164, is **GRANTED** in favor of defendant Davis. Consequently, defendant Davis is removed as a defendant in this case. The Clerk should **NOT** enter a judgment in Davis' favor at this time.
3. Defendant May's Motion for Partial Summary Judgment, ECF No. 178, is **GRANTED** in favor of defendant May. Accordingly, the only remaining claims against Officer May are plaintiff's claims regarding the use of chemical agents and physical assault.
4. Further, plaintiff will not be permitted to recover compensatory or punitive damages, but may be permitted to recover nominal damages if he succeeds on any of his claims that his constitutional rights were violated.
5. Nothing in this order affects plaintiff's remaining claims against defendants Gafford, Jones, Burdeshaw, or Silcox.
6. This matter is remanded to the Magistrate Judge for further proceedings.
7. The Clerk is directed to change the case style and all references to "Burdshaw" to reflect the proper spelling: "Burdeshaw." See ECF No. 76 at 1, fn. 2.

**DONE and ORDERED** at Gainesville, Florida this 24<sup>th</sup> day of April, 2018.



---

**UNITED STATES DISTRICT JUDGE**