

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

TARVIS WILSON,

PLAINTIFF,

-vs-

Case No. 5:15-cv-00193-WTH-CJK

THOMAS, et al.,

DEFENDANTS.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated April 27, 2017. (Doc. 77). 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). The time for filing objections has passed, and none have been filed. Having considered the Report and Recommendation, I have determined that the Report and Recommendation should be adopted.

Furthermore, this Court notes that Defendant Donald has filed a Notice of Adoption of Motion to Dismiss. (Doc. 80). As mentioned in the Report and Recommendation, Defendant Thomas's arguments are applicable to the claims raised against Defendant Donald. Accordingly, the claims against Defendant Donald will also be dismissed.

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

1. The Magistrate Judge's Report and Recommendation, Doc. 77, is adopted and incorporated by reference in this order.
2. Defendant Thomas's Motion to Partially Dismiss Plaintiff's Third Amended Complaint, Doc. 69, is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. Plaintiff's official capacity claims against Defendants Thomas and Donald for declaratory and injunctive relief are **DISMISSED**.
  - b. Plaintiff's Motion to Dismiss Plaintiff's Equal Protection claim is **DENIED AS MOOT**.
3. This matter is referred to the Magistrate for further pretrial proceedings on Plaintiff's individual capacity Eighth Amendment excessive force claim for damages.

IT IS SO ORDERED.

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



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UNITED STATES DISTRICT JUDGE