

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

AVION LAWSON,

Plaintiff,

v.

CASE NO. 5:15-cv-00308-WTH-GRJ

S J GILLMAN, D A LEAVINS, K MCCRARY,

Defendants.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation, ECF No. 57, addressing Warden Leavins Motion to Dismiss, ECF No. 49. 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.<sup>1</sup>

Having considered the Report and Recommendation, 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.

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<sup>1</sup>The plaintiff filed a motion, ECF No. 59, entitled "Motion to Alert Court of Congress 1997e(e) Statutory Basis" which the Court has reviewed. The motion appears to respond to Defendants Gillman and McCrary's Motion for Summary Judgment rather than offer objections to the Report and Recommendation at ECF No. 57.

2. To the extent that the Amended Complaint seeks monetary damages against Warden Leavins in his official capacity, the Motion to Dismiss such claims is granted.
3. The Motion to Dismiss at ECF No. 49 is denied in all other respects.

**DONE AND ORDERED** this 22nd day of November, 2017



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UNITED STATES DISTRICT JUDGE