

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

JIMMY LEE WHEELER,  
Inmate No. 046120,  
Plaintiff,

vs.

Case No.: 5:16cv96/LAC/EMT

CORIZON MEDICAL HEALTH  
CARE SERVICES, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated December 27, 2016 (ECF No. 34). 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). I have made a de novo determination of the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, I have determined that the Report and Recommendation should be adopted.

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

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. Defendant Bayolo's Motion to Dismiss (ECF No. 26) is **GRANTED** only to the extent that Plaintiff's state law claim for medical negligence or malpractice is **DISMISSED** without prejudice and that the motion is **DENIED** in all other respects.

3. Plaintiff's "Motion to Submit Relevant Documents and Plaintiff's Motion For Summary Judgment" (ECF No. 32) is **DENIED** without prejudice.

4. The Affidavits generally submitted by Plaintiff (ECF Nos. 15–20) are **STRICKEN** and shall be returned to him.

**DONE AND ORDERED** this 11<sup>th</sup> day of January, 2017.

s/L.A. Collier  
**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**