

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

TAYLOR AUSTIN RYAN,

Plaintiff,

v.

Case No. 5:17cv54-TKW-MJF

**J. ALVAREZ and GREGG
POYTHRESS,**

Defendants.

_____ /

ORDER

This case is before the Court based upon the magistrate judge’s Report and Recommendation (Doc. 70). No objections to the Report and Recommendation were filed.¹ Having reviewed the Report and Recommendation and the case file, I agree with the magistrate judge’s determination that Defendants are entitled to summary judgment on Plaintiff’s deliberate indifference claims under the Eighth Amendment.

¹ It is possible that Plaintiff did not receive the Report and Recommendation because a previous Order was returned as undeliverable with a notation that “[t]his inmate has been released from DOC custody & is listed as homeless.” Doc. 69. However, the Report and Recommendation was not returned as undeliverable. And, even if Plaintiff did not receive Report and Recommendation, that does not preclude the Court from disposing the case through this Order because Plaintiff’s failure to keep the Court apprised of his address amounts to an abandonment of the case and/or a failure to prosecute. Nevertheless, to increase the likelihood that Plaintiff will receive this Order in time to file an appeal should he chose to do so, the Court will have the Clerk send a copy of this Order to Plaintiff at the post-release address shown for him on the Florida Department of Corrections’ website.

Accordingly, it is **ORDERED** that:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendants' motion for summary judgment (Doc. 60) is **GRANTED**.
3. The Clerk shall enter judgment in favor of Defendants and close the file.
4. The Clerk shall send a copy of this Order to Plaintiff at his address of record and at the post-release address shown for him on the Florida Department of Corrections' website: 1660 Beach Avenue, #7, Atlantic Beach, FL 32233.

DONE and ORDERED this 21st day of January, 2020.

T. Kent Wetherell, II

**T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE**