

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

**CURTIS A. LONG,**

**Plaintiff,**

**v.**

**Case No. 5:18cv72-TKW-HTC**

**DOCTOR S. HOSSEINI and NURSE  
JONES,**

**Defendants.**

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**ORDER**

This case is before the Court based upon the magistrate judge's Report and Recommendation (Doc. 102) and Plaintiff's objections (Doc. 103). Based on the my de novo review of the issues properly raised in the objections,<sup>1</sup> I agree with the magistrate judge's determination that Defendants are entitled to summary judgment because the undisputed evidence establishes that Defendants were not deliberately indifferent to Plaintiff's complaints about hip pain or his unfounded and speculative concern that his hip replacement may have failed causing metallosis.

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<sup>1</sup> The objections primarily focus on the magistrate judge's denial of Plaintiff's motions to compel and stay (Doc. 99), not the merits of Defendants' motions for summary judgment. The magistrate judge's Order denying the motions to compel and stay was entered on February 2, 2021, and Plaintiff's objections were not provided to prison officials for mailing until March 2, 2021. Accordingly, the objections are untimely to the extent they challenge the denial of the motions to compel and stay. *See* Fed. R. Civ. P. 72(a) (requiring objections to rulings on non-dispositive matters to be filed within 14 days after the ruling). That said, I fully agree with the magistrate judge's ruling on the motion to compel and I find that the magistrate judge's denial of the motion to stay was not clearly erroneous or contrary to law under the circumstances.

Accordingly, it is **ORDERED** that:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendants' motions for summary judgment (Docs. 89, 90) are **GRANTED**.
3. The Clerk shall enter judgment in favor of Defendants and close the case file.

**DONE and ORDERED** this 9th day of March, 2021.

*T. Kent Wetherell, II*

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