

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

ANTWAN JOVAN JACKSON,

Plaintiff,

v.

Case No. 5:19-cv-114-MCR-MJF

SERGEANT LANIER, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated November 29, 2021. ECF No. 87. The parties were furnished a copy of the Report and Recommendation and were afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). There have been no timely filed objections.

Having considered the Report and Recommendation and the record, the Court concludes that the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation, ECF No. 87, is adopted and incorporated by reference in this Order.

2. Defendant Shively's motion to dismiss, ECF No. 62, is **GRANTED IN PART and DENIED IN PART** as follows:

a. Defendant Shively's motion to dismiss is **GRANTED** as to the following claims against her, and these claims are **DISMISSED**:

- i. Plaintiff's due process claim,
- ii. Plaintiff's official-capacity claim,
- iii. Plaintiff's claim for injunctive relief, and
- iv. Plaintiff's references to treaties and state law.

b. Defendant Shively's motion to dismiss is **DENIED** in all other respects.

3. This matter is returned to the Magistrate Judge for further pretrial proceedings.

DONE AND ORDERED this 10th day of January 2022.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE