

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-61159-CIV-DIMITROULEAS

DONNIE JACKSON,
aka Benyah Shalom Yisrael,

Plaintiff,

vs.

DEPARTMENT OF CORRECTION, et al.,

Defendants.

ORDER ADOPTING PRELIMINARY REPORT OF MAGISTRATE JUDGE

THIS CAUSE is before the Court upon the Preliminary Report of Magistrate Judge Patrick A. White, dated September 23, 2009 [DE-11]. The Court notes that no objections to the Report have been filed, and the time for filing such objections has passed. As no timely objections were filed, the Magistrate Judge's factual findings in the Report are hereby adopted and deemed incorporated into this opinion. LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988); RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Although no timely objections were filed, the Court has conducted a *de novo* review of the Report and record and is otherwise fully advised in the premises. The Court agrees with the Magistrate's recommendations.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Preliminary Report of Magistrate Judge Patrick A. White, dated September 23, 2009 [DE-11] is hereby **ADOPTED** and **APPROVED**;
2. The case remains pending as to Defendants Gil, Ryan and Campbell on the claim of battery and assault at the jail;

3. Plaintiff may amend his complaint after conducting discovery to name the specific defendants responsible for denial of his dental treatment and the specific actions connecting these defendants to the alleged violations;
4. The claim stated only as "Food Service" is **DENIED** as insufficient to state a claim, unless Plaintiff can include in a subsequent amendment, violations directly related to his pending claims of assault and denial of dental treatment, and the names of specific defendants responsible for the violations.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this
28th day of July, 2010.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

Ben-Shalom Yisrael, aka Donnie Jackson
083419
Santa Rosa C.I.
5850 E Milton Rd
Milton, FL 32583

Hon. Patrick A. White
U.S. Maj. Judge