

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 08-22961-CIV-COOKE/WHITE**

VICTOR M. TORRES,

Plaintiff,

v.

GARY CASTEEL, *et al.*,

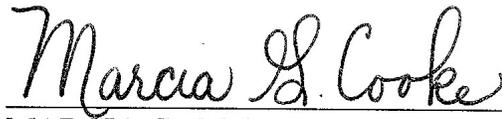
Defendants.

**ORDER ADOPTING MAGISTRATE'S PRELIMINARY
REPORT AND RECOMMENDATION**

THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge, for a Report and Recommendation because the Plaintiff has filed an Application to Proceed Without Prepayment of Fees and Affidavit [D.E. 5]. Judge White issued a Report and Recommendation [D.E. 12], recommending that Plaintiff's Complaint proceed against Gary Casteel in his individual capacity. Judge White recommended that Defendants Jorge Pastrana, Harley G. Lappin and the United States of America be dismissed for failure to state a claim upon which relief may be granted. As the movant did not file any objections to the Report and Recommendation, it is **ORDERED AND ADJUDGED** that United States Magistrate Judge Patrick A. White's Report and Recommendation is **AFFIRMED AND ADOPTED** as follows:

1. Plaintiff may proceed on his claim against Gary Casteel.
2. Plaintiff's claims against Defendants Jorge Pastrana, Harley G. Lappin and the United States of America are **DISMISSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 1st day of June 2009.

A handwritten signature in black ink that reads "Marcia G. Cooke". The signature is written in a cursive style with a large initial "M".

MARCIA G. COOKE

United States District Judge

Copies furnished to:

The Honorable Patrick A. White

All counsel of record

Victor M. Torres, *pro se*

Reg. No. 44304-004

FCI - Big Spring

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