

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 08-23209-CIV-COOKE/WHITE

CHRISTOPHER L. COON,

Plaintiff,

v.

WALTER A. MCNEIL, *et al.*,

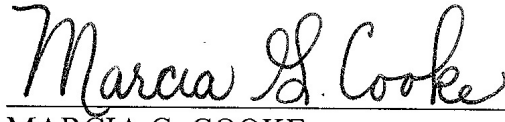
Defendants.

**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 on the Plaintiff's Motion to Proceed In Forma Pauperis and for Appointment of Counsel [D.E. 2]. Judge White issued a Report and Recommendation [D.E. 9], recommending that only Plaintiff's denial of rights claim against Blondell Tate and Captain J. Colon be allowed to proceed. Judge White recommended that all other claims 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 Captain J. Colon and Blondell Tate for denial of rights under the Fourteenth Amendment.
2. Plaintiff's remaining claims, including all claims against Walter A. McNeil, Eric Lane, and Charles Johnson, are **DISMISSED**.

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

A handwritten signature in cursive script that reads "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE

United States District Judge

Copies furnished to:

The Honorable Patrick A. White

All counsel of record

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