

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 09-21945-CIV-MORENO

JAMES CANTON,

Plaintiff,

vs.

DOCTOR BURDGES, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION AND
ORDER DISMISSING CERTAIN DEFENDANTS**

THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report and Recommendation on Plaintiff's Amended Complaints (**D.E. No. 27**), filed on **November 12, 2009**, and (**D.E. No. 29**), filed on **December 15, 2009**. The Magistrate Judge filed a Report and Recommendation (**D.E. No. 32**) on **March 30, 2009**. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Patrick A. White's Report and Recommendation (**D.E. No. 32**) on **March 30, 2009** is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that:

- (1) All claims against Dr. Burdges, Miss Bennet, and Dr. Monseratt are dismissed for failure to state a claim pursuant to 28 U.S.C. 1915(e)(2)(B)(ii).

- (2) The claim against Nurse Thomas for denial of medical treatment shall proceed.
- (3) Nurse Thomas shall file an answer by **May 4, 2010**.

DONE AND ORDERED in Chambers at Miami, Florida, this 10th day of April, 2010.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:
United States Magistrate Judge Patrick A. White
Counsel of Record