

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

THOMAS CONWAY JONES,

Plaintiff,

v.

DERRICK SCHOFIELD, Warden, *et al.*,

Defendants.

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1:08-CV-7 (WLS)

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed February 27, 2009. (Doc. 31). It is recommended that Defendants' Motion to Dismiss (Doc. 14) be granted as to Plaintiff's claims under the Prison Rape Elimination Act; granted as to Plaintiff's claims concerning the investigation of his rape; granted as to Plaintiff's claims for injunctive relief; and denied as to Plaintiff's claims of needed mental health and medical treatment. *Id.* No objection has been filed to date.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 31) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss (Doc. 14) is **GRANTED-IN-PART and DENIED-IN-PART**.

To clarify, Defendants' Motion to Dismiss (Doc. 14) is **GRANTED** as to Plaintiff's claims under the Prison Rape Elimination Act; **GRANTED** as to Plaintiff's claims concerning the investigation of his rape; **GRANTED** as to Plaintiff's claims for injunctive relief; and **DENIED** as to Plaintiff's claims of needed mental health and medical treatment. Therefore, Defendants Schofield and Ammons are hereby **ORDERED** terminated from this action as defendants.

**SO ORDERED**, this 30<sup>th</sup> day of March, 2009.

/s/W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT JUDGE**