

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

FILED  
 U.S. DISTRICT COURT  
 MIDDLE GEORGIA  
 2009 AUG 31 PM 2 24

  
 DEPUTY CLERK

RICHARD SANDERS,  
     Plaintiff,  
 v.  
 BRUCE SHIVERS, Warden; MICHAEL  
 GIVENS, Deputy Warden;  
     Defendants.

1:08-CV-11 (WLS)

**ORDER**

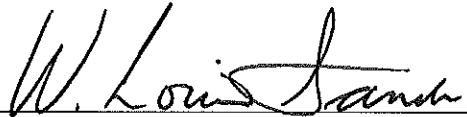
Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge filed April 2, 2009. (Doc. 30). It is recommended that Defendants' Motion for Summary Judgment (Doc. 27) be **GRANTED**. No objection has been filed to date.

Upon full review and consideration of the record, the Court finds that Magistrate Judge Hodge's Report and Recommendation (Doc. 30) 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 for Summary Judgment (Doc. 27) is hereby **GRANTED**.

Also presently pending before the Court is Plaintiff's Motion to Amend Civil Action (Doc. 26). Plaintiff's Motion to Amend contends that he has not seen a specialist or physician concerning his medical problem and reiterates his cause of action against Defendants for deliberate indifference in violation of the prohibition of cruel and unusual punishment. Plaintiff's motion contains no specific allegation against Defendants and does not aid in establishment of Defendants' responsibility for Plaintiff's treatment as initially alleged. Further,

Defendants' Motion for Summary Judgment (Doc. 27) provides accompanying documentation showing that Plaintiff was treated for his alleged medical problem on multiple occasions. Thus, in light of Judge Hodge's findings and recommendation to grant Defendants' motion for summary judgment which this court adopts, amendment would be futile. Accordingly, Plaintiff's Motion to Amend (Doc. 26) is **DENIED**.

**SO ORDERED**, this 31<sup>st</sup> day of August, 2009.

  
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**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**