

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

2009 JUL 23 AM 11 35

B/C
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NICKOLAS VAN NESS HOPE,
Plaintiff,

CASE NO.: 1:08-cv-111 (WLS)

vs.

BRUCE SHIVERS; SANDRA FISHER;
MITCHELL COUNTY CORRECTIONAL
INSTITUTION; and MITCHELL
COUNTY COMMISSION,
Defendants.

ORDER

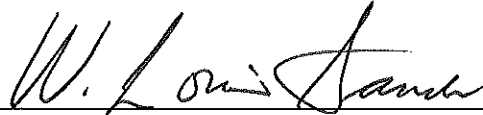
Before the Court is a Report and Recommendation from the United States Magistrate Judge Richard L. Hodge (Doc. #4), filed August 7, 2008. It is recommended that Bruce Shivers, the Mitchell County Correctional Institute and the Mitchell County Commission be dismissed from the captioned action. Plaintiff filed his written objection (Doc. #7).

In his objection, Plaintiff contends that Bruce Shivers should not be dismissed from the action. Plaintiff essentially argues that Shivers was the responsible official who assigned Defendant Fisher the duty to scan the mail. As clearly found by the Magistrate Judge, Plaintiff asserts Shivers is liable on a theory of *respondeat superior*. As also stated, Shivers cannot be held liable on that ground.

Upon full review and consideration upon the record, the Court finds that the Report and Recommendation should be, and hereby is, **ACCEPTED AND ADOPTED** and made the order of this Court for reason of the findings made and reasons stated therein, together with the findings and reasons set out herein.

Accordingly, Defendants Shivers, the Mitchell County Correctional Institute and the Mitchell County Commission are **DISMISSED** from the captioned case.

SO ORDERED, this 22nd day of July, 2009.

A handwritten signature in cursive script, reading "W. Louis Sands", is written above a horizontal line.

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT