

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

MICHAEL DAVIS aka, WALI MALIK :
DAWUD, :
 :
Plaintiff, :
 :
v. :
 :
DR. AYERS, *et al.*, :
 :
Defendants. :
 :
_____ :

CASE NO: 1:12-cv-61 (WLS)

ORDER

Before the Court is a Report and Recommendation from U.S. Magistrate Judge Thomas Q. Langstaff, filed June 1, 2012. (Doc. 8). It is recommended that the Court dismiss Plaintiff’s claims against Dr. Ayers, brought pursuant to 42 U.S.C. § 1983, for (1) Dr. Ayers’s failure to train and supervise the nurses and physician’s assistant involved in the care of Plaintiff’s injured jaw, and (2) Dr. Ayers’s attempt to coerce Plaintiff to dismiss his grievance charge. (*Id.* at 5-6).

The Report and Recommendation provided the Parties with fourteen (14) days¹ from the date of its service to file written objections to the recommendations therein. (*Id.* at 6). The period for filing objections expired on Monday, June 18, 2012; no objections have been filed to date. (*See* Docket).

In view of the absence of any objections from the record of this case, the Court’s consideration of the record of the case as a whole, and the Court’s determination of the reasonableness of the findings and legal basis of the Recommendation, U.S. Magistrate Judge Langstaff’s June 1, 2012 Report and Recommendation (Doc. 8) is **ACCEPTED, ADOPTED**

¹ The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party’s last known address).

and made the Order of this Court for reason of the findings made and reasons stated therein. The Court therefore **DISMISSES** Plaintiff's claims (1) that Dr. Ayers is vicariously liable for Plaintiff's injuries due to his failure to train and supervise the nurses and physician's assistant and (2) that Dr. Ayers attempted to coerce Plaintiff into dismissing a grievance. Plaintiff's remaining claims of direct liability against Dr. Ayers, Nurse Montgomery, P.A. Edward, Jane Doe Nurse 1, and Jane Doe Nurse 2 for Eighth Amendment deliberate indifference to his serious medical needs shall proceed.

SO ORDERED, this 23rd day of July 2012.

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