

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

MANASSEH ROYDREGO SKINNER, :

Plaintiff, :

v. :

CASE NO.: 1:13-CV-44 (WLS)

DR. DEREBAIL, *et al.*, :

Defendants. :

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 6). The Recommendation, filed April 17, 2013, recommends that Plaintiff's Eighth Amendment claim against Dr. Derebail go forward, and that all other Defendants and claims be dismissed. (*Id.* at 1.) Plaintiff timely filed an Objection (Doc. 9).

Judge Langstaff recommends that Plaintiff's deliberate indifference claim against Defendants Lewis and Sproul be dismissed as no facts were alleged that would support imposition of supervisory liability under § 1983. (Doc. 6 at 4.) Plaintiff's Objection alleges no additional facts that would support a claim against Defendants Lewis and Sproul. Instead, he simply repeats the conclusory statements made in his original complaint regarding Defendants' failure to respond to Plaintiff's grievance forms and alleged knowledge of the conditions of confinement. As Judge Langstaff noted, these conclusory statements fail to meet the "extremely rigorous standard" for supervisory liability under § 1983, as denial of a grievance is insufficient to establish personal participation in the alleged constitutional violation. *Cottone v. Jenne*, 326 F.3d 1352, 1360 (11th Cir. 2003). Judge Langstaff also recommends that the claim against Defendant Haggerty be dismissed for failure to allege facts sufficient to support a claim of

deliberate indifference to serious medical needs. Plaintiff's Objection again offers no new factual allegations. Instead, he relies solely on the alleged "knowledge" of Defendant Haggerty as to Plaintiff's claims, ignoring the fact that Judge Langstaff recommends dismissal of the claim primarily on the ground that it was not viable under 42 U.S.C. § 1983. Accordingly, the Court finds that Plaintiff's Objection (Doc. 9) fails to rebut the legally sound findings of Judge Langstaff, and Plaintiff's objections regarding Defendants Haggerty, Lewis, and Sproul are **OVERRULED**. To the extent that Plaintiff's Objection (Doc. 9) fails to address recommendations made in Judge Langstaff's Recommendation (Doc. 6), the Court finds that any objections not made thereto are **WAIVED**.

For the foregoing reasons, the objections set forth in Plaintiff's Objection (Doc. 9) are **OVERRULED**, and United States Magistrate Judge Langstaff's April 17, 2013 Recommendation (Doc. 6), is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein together with the reasons stated and conclusions reached herein. Accordingly, Defendants Haggerty, Lewis, and Sproul are **DISMISSED** from the case. Plaintiff's Eighth Amendment claim against Dr. Derebail shall go forward.

SO ORDERED, this 31st day of May, 2013.

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