

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MARK WAYNE JACKSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:10-CV-73 (MTT)
)	
DR. EDWARD H. BURNSIDE and CALVIN RAMSEY,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 71). The Magistrate Judge, having reviewed the Defendants' Motion to Dismiss, recommends granting the Motion on the Plaintiff's official capacity claims. The Magistrate Judge also recommends dismissing the Plaintiff's claims for injunctive relief and attorney's fees. The Magistrate Judge further recommends allowing the Plaintiff's Eighth Amendment individual capacity claims against the Defendants to go forward. The Parties filed objections to the Recommendation.¹ (Docs. 72, 73). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Objections and has made a de novo determination of the portions of the Recommendation to which the Parties object.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. Accordingly, the Motion is **DENIED** with regard to the Plaintiff's

¹ As the Defendants point out in their Response to the Plaintiff's Objection, the Plaintiff's Objection is actually a concurrence with the Recommendation.

Eighth Amendment individual capacity claims and **GRANTED** with regard to all other claims.²

SO ORDERED, this 27th day of July, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

² Although the Recommendation denied the Plaintiff's request for injunctive relief, the Magistrate Judge prepared another Recommendation on that issue. (Doc. 70). Because the Court has denied the Plaintiff's request for injunctive relief in this Order, the Court also adopts the Recommendation to Deny the Plaintiff's Motion for Preliminary Injunction.