

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

RICK MARTIN BOSWORTH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 5:10-CV-128 (CAR)
	:	
HALE BURNSIDE, and	:	
CALVIN RAMSEY,	:	
	:	
Defendants.	:	

ORDER ON MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

This matter comes before the Court on the United States Magistrate Judge’s Report and Recommendation [Doc. 23], in which the Magistrate Judge recommends granting Defendant Calvin Ramsey’s Motion to Dismiss [Doc. 10]. Plaintiff filed a timely objection [Doc. 28]. Having reviewed de novo the Recommendation and Plaintiff’s objections, the Court agrees with the Magistrate Judge’s recommendation that Defendant Calvin Ramsey’s Motion to Dismiss be granted. Accordingly, the Magistrate Judge’s Order and Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

The Magistrate Judge recommends dismissing the claims against Defendant Calvin Ramsey for failure to state a claim. Specifically, the Magistrate Judge found that Plaintiff was attempting to impose liability on Defendant Ramsey under a theory of supervisory liability or respondeat superior without making the necessary showing that Defendant Ramsey either personally participated in the allegedly unconstitutional conduct or that there was a casual connection between Defendant Ramsey’s

action and the alleged constitutional violation. See Cottone v. Jenne, 326 F.3d 1352, 1360 (11th Cir. 2003). The Court agrees with this assessment.

Plaintiff's objections do not address the deficiency of his complaint against Defendant Ramsey. Instead, Plaintiff makes a variety of statement regarding the Rule 12(b)(6) standard and requests that his complaint be liberally construed. He fails, however, to point to any error in the Magistrate Judge's conclusion that Defendant Ramsey's liability was premised solely on respondeat superior.

CONCLUSION

In accordance with the Report and Recommendation of the United States Magistrate Judge, Defendant Calvin Ramsey's Motion to Dismiss [Doc. 10] is **GRANTED**. Defendant Calvin Ramsey is **DISMISSED** as a defendant in this action.

SO ORDERED this 7th day of February, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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