

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

FRANK ROSS, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:10-CV-287 (MTT)
)	
SHARON DUFFEY, Warden, et al.,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on the Order and Recommendation (Doc. 5) of United States Magistrate Judge Claude W. Hicks, Jr. The Magistrate Judge reviewed this case pursuant to 28 U.S.C. §§ 636 and 1915A. The Magistrate Judge recommends (a) dismissing any 42 U.S.C. § 1983 claim for release from confinement because such relief is not available under § 1983; (b) dismissing the Plaintiff’s Section 1983 claims against his Attorney, Bernadette C. Crucilla, because she was not acting under the “color of state law;” (c) dismissing the Plaintiff’s claims against “Chief Probation Officer” for failure to properly identify the Defendant; and (d) allowing the Plaintiff’s claims against Joanne Ashley and Sharon Duffey for false imprisonment to proceed. Additionally, the Magistrate Judge ordered that service be made upon Defendants Joanne Ashley and Sharon Duffey. The Plaintiff filed an Objection (Doc. 8). In his Objection, the Plaintiff identified the “Chief Probation Officer” as Stacy Rivera. The Magistrate Judge filed another Order (Doc. 9) rescinding his recommendation that “Chief Probation Officer” be dismissed, and directing that service be made on Stacy Rivera.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Plaintiff's remaining Objection and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects. The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge in its Order and Recommendation (Doc. 5) as modified by its subsequent Order (Doc. 9). Thus, the Court dismisses the Plaintiff's Section 1983 claims against all parties for release from confinement and the Plaintiff's claims against Bernadette C. Crucilla. The Plaintiff's case may proceed against Defendants Joanne Ashley, Sharon Duffey and Stacy Rivera.

SO ORDERED, this the 19th day of October, 2010.

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

jch