

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

DARRAN WALKER,

Plaintiff,

v.

Sergeant HARTGROVE, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:10-CV-436 (MTT)

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**ORDER**

This matter is before the Court on the Order and Recommendation (Doc. 4) of United States Magistrate Judge Charles H. Weigle. The Magistrate Judge recommends that Defendants Broom, Smithwick, and Downing be dismissed from the action due to the Plaintiff's failure to allege that these Defendants participated in, or are otherwise responsible for, the alleged use of force of which the Plaintiff complains. The Magistrate Judge further ordered that the Plaintiff's claims against the remaining Defendants proceed. The Plaintiff has not filed an objection to the Order and Recommendation. The Court has reviewed the Order and Recommendation, and the Order and Recommendation is adopted and made the order of this Court. Defendants Broom, Smithwick, and Downing are dismissed from the action, and the case shall proceed against the remaining Defendants.

**SO ORDERED**, this the 4<sup>th</sup> day of January, 2011.

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