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

KYLE RICHARD BISHOP,	
Plaintiff,))
v.)) CIVIL ACTION NO. 5:11-CV-107(MTT) \
Warden GREGORY MCLAUGHLIN, et al.,))
Defendants.)))

ORDER

This case is before the Court on the Recommendation (Doc. 7) (the "Recommendation") of United States Magistrate Judge Charles H. Weigle pursuant to his 28 U.S.C. § 1915(e)(2) initial review. The Magistrate Judge recommends (a) dismissing Macon State Prison from this case because it is not an entity capable of being sued; (b) dismissing the Plaintiff's claims regarding the grievance procedure at Macon State Prison because a prisoner has no constitutional right to participate in prison grievance procedures; (c) dismissing the Plaintiff's claims against Deputy Warden Clinton Perry because there is no respondeat superior liability under § 1983; (d) dismissing the Plaintiff's request for release from prison because this relief is not available under § 1983; (e) allowing the Plaintiff's access-to-courts and free-speechrights claims to proceed against Defendants McLaughlin, Colbert, Johnson and Hall; and (f) allowing the Plaintiff's retaliation claim to proceed against Defendant Hill.

The Plaintiff filed an Objection to the Recommendation (Doc. 11). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Plaintiff's 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 Recommendation (Doc. 7). Thus, the Plaintiff's claims against Macon State Prison, the Plaintiff's claims regarding the grievance procedure at Macon State Prison, the Plaintiff's respondeat superior claims against Deputy Warden Clinton Perry, and the Plaintiff's request for release from prison are all **DISMISSED**. The Plaintiff's access-to-courts and free-speech-rights claims against Defendants McLaughlin, Colbert, Johnson and Hall, as well as the Plaintiff's retaliation claim against Defendant Hill, will be allowed to proceed. Therefore, service should be made against the appropriate Defendants.

It should be noted that in his Objection, the Plaintiff asks that additional defendants be added to his case, and he asks for additional relief, including the addition of an award of damages in the amount of \$980,000. An objection to a recommendation is not the appropriate document to request such relief. The Plaintiff must file a new motion if he wishes to amend his complaint.¹

SO ORDERED, this the 19th day of August, 2011.

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

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¹ The Plaintiff has already filed two motions to amend (Docs. 19 and 21). However, neither of these addresses the specific amendments the Plaintiff seeks in his Objection.