

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

DARIUS J. CURNEY,	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action</b>
	:	<b>No. 5:11-cv-239 (CAR)</b>
<b>v.</b>	:	
	:	
Unit Manager DAN BLAKELY, <i>et al.</i> ,	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER ON REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Currently before the Court is the Report and Recommendation of the United States Magistrate Judge [Doc. 14] that Plaintiff’s claims against Unit Manager Dan Blakely be allowed to go forward but that Plaintiff’s claims against Officer Spencer Alston, Lieutenant Peter Eaddie, Captain Davis, Officer Sherman Childs, Lieutenant Joseph Felton, and Lieutenant Anthony Rawls be dismissed pursuant to 28 U.S.C. § 1915A for failure to state a claim. Plaintiff filed an Objection to the Recommendation [Doc. 17] only objecting to the recommendation of dismissal as to Officer Spencer Alston; he did not contest the recommendation of dismissal as to the other Defendants. The Magistrate Judge then construed Plaintiff’s Objection as a motion to amend his complaint, granted the motion, and found that Plaintiff had alleged a colorable claim against Officer Alston. See Order for Service on Defendant Alston, Doc. 18. Thus, the

Magistrate Judge allowed Plaintiff's lawsuit to proceed against Officer Alston and ordered service be made upon him.

Thus, with the exception of the recommendation to dismiss Officer Spencer Alston, the Report and Recommendation [Doc. 14] is hereby **ADOPTED** and made the Order of the Court. Accordingly, Defendants LIEUTENANT PETER EADDIE, CAPTAIN DAVIS, OFFICER SHERMAN CHILDS, LIEUTENANT JOSEPH FELTON, and LIEUTENANT ANTHONY RAWLS are hereby **DISMISSED** from this action. Plaintiff's claim against Unit Manager Dan Blakely and Officer Spencer Alston will go forward.

**SO ORDERED**, this 23rd day of December, 2011.

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

SSH