

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

PATRICK WALKER, :  
: :  
Plaintiff, : Civil Action  
: No. 5:11-cv-360 (CAR)  
v. :  
: :  
Warden VICTOR WALKER, Medical :  
Director INE AKUMWANNE, and :  
Medical Administrator VERNON :  
SPIKE, :  
: :  
Defendants. : :

**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. 23] that Defendant's Motion to Dismiss be granted. Plaintiff has filed an Objection to the Recommendation [Doc. 24]. Upon a *de novo* review of the Complaint, the Recommendation, Plaintiff's objections, and the relevant legal authorities, the Court agrees with the reasoning and findings of the Magistrate Judge in his Report and Recommendation. In his Objection, Plaintiff simply restates arguments that have been thoroughly addressed in the Report and Recommendation. This Court agrees that Plaintiff's complaint must be dismissed for failure to state a claim upon which relief may be granted. Thus, the Report and Recommendation [Doc. 23] is

hereby **ADOPTED AND MADE THE ORDER OF THE COURT**. Accordingly, Plaintiff's Motion to Appoint Counsel [Doc. 11] is MOOT, Defendant's Motion to Dismiss [Doc. 15] is GRANTED, and this case is hereby dismissed.

**SO ORDERED**, this 21st day of August, 2012.

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

SSH