

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

BENJAMIN MCIVER,

Plaintiff,

v.

CARL HUMPHREY, et al.,

Defendants.

CIVIL ACTION NO. 5:12-CV-156 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle. (Doc. 24). The Magistrate Judge recommends granting Defendant Humphrey's Motion to Dismiss (Doc. 9) because the Plaintiff's claims against Humphrey are based solely on a theory of vicarious liability and thus are not actionable pursuant to 42 U.S.C. § 1983. The Plaintiff did not sufficiently allege a causal connection between Defendant Humphrey's actions or inactions and the alleged constitutional deprivation the Plaintiff suffered at the hands of Defendant William Johns. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation. The Recommendation is adopted and made the Order of this Court. Defendant Humphrey's Motion to Dismiss is **GRANTED.**

SO ORDERED, this 31st day of January, 2013.

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