

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

ROBERT TUCKER, III,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-244 (MTT)
)	
Sheriff PEACOCK, et al.,)	
)	
Defendants.)	
)	

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Stephen Hyles. (Doc. 8). The Magistrate Judge recommends dismissal of the Plaintiff's claim for injunctive relief against Defendant Captain Ralph Searcy.¹ Pursuant to a 28 U.S.C. § 1915A review, the Magistrate Judge also recommends dismissing defendants Upson County, Sheriff Peacock, Mayor Kilgore, Dr. Busbee, and the Board of County Commissioners. The Plaintiff has not filed an objection to this Recommendation.²

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Plaintiff's claim for injunctive relief against Defendant Searcy is **dismissed without prejudice**. Defendants Upson

¹ This claim was dismissed as moot because Defendant Searcy is an official at Upson County Jail, and the Plaintiff is no longer incarcerated there. However, the Plaintiff's damages claim against Defendant Searcy will go forward as ordered by the Magistrate Judge.

² During the objection period, the Plaintiff did file a motion to amend his complaint. (Doc. 11). However, this is a matter for the Magistrate Judge to address and is not construed by this Court as an objection.

County, Sheriff Peacock, Mayor Kilgore, Dr. Busbee, and the Board of County Commissioners are **dismissed without prejudice**. The Plaintiff's damages claim against Defendant Searcy will go forward as ordered by the Magistrate Judge.

SO ORDERED, this 24th day of September, 2012.

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