

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

MICHAEL RAY COFFEY, a.k.a. :
RANDALL CHARLES SANDERS :
(GDC ID: 1000090655), :
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 Plaintiff, :
 :
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 v. :
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 STEPHANIE DANIELS, et al., :
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 Defendants. :
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No. 5:12-CV-384 (CAR)

ORDER ON THE UNITED STATES MAGISTRATE JUDGE’S
ORDER AND RECOMMENDATION

Before the Court is the Order and Recommendation of the United States Magistrate Judge [Doc. 35] to dismiss all Defendants except Defendants Daniels, Moss, and Humphrey from Plaintiff Michael Ray Coffey’s *pro se* action [Doc. 4] pursuant to 28 U.S.C. § 1915A(b)(1), and to deny Plaintiff’s Motions for Emergency Preliminary Injunctions [Docs. 7 & 26]. Plaintiff has filed an Objection to the Recommendation.

Therein, Plaintiff makes three objections to the Magistrate Judge’s conclusions to continue the use of Plaintiff’s alias in the caption, dismiss Defendant Mailroom Staff, and deny his motions for an attorney.¹ In his Objection, Plaintiff simply restates the arguments already advanced before the Magistrate Judge, of which the Court finds

¹ The third objection is in regards to the Magistrate Judge’s Order [Doc. 36] denying Plaintiff’s multiple motions to appoint counsel.

to be sufficiently addressed in the Recommendation.² Importantly, the dismissal of Defendant “Mailroom Staff John and or Jane Does” is without prejudice and thus, Plaintiff is not precluded from adding a named defendant in the future.³ Further, as discussed by the Magistrate Judge, “Mailroom Staff” is not an entity subject to suit under § 1983. To the extent Plaintiff objects to the Magistrate’s Order denying his requests to appoint counsel, the Court concludes that these findings are not “clearly erroneous” or “contrary to law.”⁴

Upon de novo review of the Recommendation, the record, and the Objection, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Order and Recommendation [Doc. 35] is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendants John and or Jane Doe in the Cherokee County Sheriff’s Department and the Georgia Department of Corrections Mailroom Staff are **DISMISSED without prejudice**. Defendants Cathy Dendi, Cherokee County Sheriff’s Department, and Mailroom Staff are hereby **DISMISSED**. Plaintiff’s claims

² See *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988) (“Parties filing objections to a magistrate’s report and recommendation must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.”).

³ “In the event Plaintiff learns additional identifying information, he may file a motion for leave to add these individuals as named defendants.” [Doc. 35].

⁴ See 28 U.S.C. § 636(b)(1) (pretrial orders are reviewed under the “clearly erroneous and contrary to law standard” and are not subject to a de novo determination as are a magistrate’s proposed findings and recommendations); see *Calderon v. Waco Lighthouse for the Blind*, 630 F.2d 352, 345-55 (5th Cir. 1980). See *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

against Defendants Daniels, Moss, and Humphrey may proceed. Additionally, Plaintiff's Motions for Preliminary Injunctions [Docs. 7 & 26] are **DENIED**.

SO ORDERED, this 28th day of March, 2013.

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

LMH