

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

<b>HARRY LEE BOGGS, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:12-CV-472 (MTT)</b>
	)	
<b>MEDICAL DEPARTMENT, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 6). The Magistrate Judge, having reviewed the Complaint pursuant to 28 U.S.C. § 1915A, recommends dismissing Defendant Medical Department because it is not an entity that can be sued under § 1983. The Magistrate Judge also recommends dismissing Defendants Major Jackson, Lt. McArmurey, Deputy Williams, and Deputy Deney because the Plaintiff's Complaint does not include allegations connecting these Defendants to the alleged constitutional violations. To the extent the Plaintiff has attempted to allege an Eighth Amendment conditions of confinement claim, the Magistrate Judge recommends dismissing this claim because the Plaintiff has not attached any defendant to this claim. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, and the Recommendation is adopted and made the order of this Court. Defendants Medical Department, Major Jackson, Lt. McArmurey, Deputy Williams, and Deputy Deney are **DISMISSED** as parties to this action. The Plaintiff's Eighth Amendment conditions of

confinement claim is **DISMISSED without prejudice**. The Plaintiff's claims against the remaining Defendants shall go forward.

**SO ORDERED**, this the 5th day of February, 2013.

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