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

RUDOLPH SHAWN GAGUSKI, Plaintiff, v. CARL HUMPHREY, *et al*., Defendants.

CIVIL ACTION NO. 5:13-CV-97 (MTT)

<u>ORDER</u>

This matter is before the Court on the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 15). Pursuant to 28 U.S.C. § 1915A(a), the Magistrate Judge recommends dismissing the Plaintiff's claims against Warden Carl Humphrey, Deputy Warden Malone, and Medical Director Butts because the Plaintiff failed to allege their participation in or causal connection to the incidents in the Complaint (Doc. 1) beyond the mere fact of being in supervisory positions. The Magistrate Judge also recommends dismissing the claims against the Department of Corrections and the Georgia Diagnostic and Classification Prison because they are not subject to suit under § 1983. Furthermore, the Magistrate Judge recommends that any claims against Butts County be dismissed because the Plaintiff failed to allege he suffered a constitutional deprivation based on a county policy statement, ordinance, regulation, or decision. And finally, the Magistrate Judge recommends dismissing the Plaintiff's claim against Officer Mathews because it is not sufficiently related to the Plaintiff's primary claims to be joined pursuant to Fed. R. Civ. P. 20. The Plaintiff has not filed an objection. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court. Therefore, the Plaintiff's claims against Warden Carl Humphrey, Deputy Warden Malone, Medical Director Butts, Butts County, and Officer Mathews are **DISMISSED without prejudice**, and the Plaintiff's claims against the Department of Corrections and the Georgia Diagnostic and Classification Prison are **DISMISSED**.

SO ORDERED, this the 9th day of September, 2013.

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