

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

JACKIE DEWAYNE OWENS,

Plaintiff,

v.

**GEORGIA DIAGNOSTIC AND
CLASSIFICATION PRISON, *et al.*,**

Defendants.

CIVIL ACTION NO. 5:13-CV-299 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 8). The Magistrate Judge, having reviewed the Plaintiff's Complaint (Doc. 1) pursuant to 28 U.S.C. § 1915A, recommends dismissing the claims against the Georgia Diagnostic and Classification Prison, C.O. John Doe, and Inmate John Doe. The Magistrate Judge found the Plaintiff cannot properly assert a claim pursuant to 42 U.S.C. § 1983 against the GDCP. Additionally, the Magistrate Judge found the Plaintiff did not sufficiently identify C.O. John Doe to allow service of process, and Inmate John Doe is not subject to suit pursuant to § 1983 because he is not a state actor. The Magistrate Judge also recommends denying the Plaintiff's motion for a temporary restraining order (Doc. 4) because the Plaintiff failed to show this type of extraordinary relief is warranted. The Plaintiff has not objected to the Recommendation.

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The claims against the GDCP are **DISMISSED**, and the claims against C.O. John Doe and Inmate John Doe are

DISMISSED without prejudice. Further, the Plaintiff's motion for a temporary restraining order (Doc. 4) is **DENIED**.

SO ORDERED, this the 5th day of November, 2013.

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