

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

MARK WEYMAN MATTHEWS,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	NO. 5:13-CV-0327-CAR-MSH
Dr. MICHAEL ROGERS,	:	
	:	
Defendant.	:	

ORDER

Plaintiff Mark Weyman Matthews, a state prisoner currently confined at Washington State Prison in Davisboro, Georgia, filed this *pro se* civil rights action under 42 U.S.C. § 1983. On August 29, 2014, the Court granted in part Defendants’ motion to dismiss the complaint, but denied the motion as to the claims brought against Defendant Dr. Rogers. (Order, Aug. 29, 2014, ECF No. 22). The Court further ordered Plaintiff to recast his claims against Dr. Rogers and informed him that the recast complaint would “replace his original Complaint and Amended Complaint.” (Id. at 2). Plaintiff was also notified that the Recast Complaint would be subject to preliminary review under 28 U.S.C. § 1915A. (Id. at 2-3).

Having now conducted that review, the undersigned finds that the allegations in Plaintiff’s Recast Complaint (EFC No. 25), when liberally construed in his favor, are sufficient to allow his Eighth Amendment claims against Dr. Rogers to go forward. It is thus **ORDERED** that Defendant Rogers file an Answer, or such other response as may be

appropriate under Rule 12 of the Federal Rules of Civil Procedure.

Plaintiff's second Motion for Leave to Proceed *in forma pauperis* (ECF No. 26) is, however, **MOOT**. Plaintiff has already been granted leave to proceed in this action without prepayment of the filing fee. (Order, Sept. 30, 2014, ECF No. 5).

SO ORDERED, this 14th day of November, 2014.

/s/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE