

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

JERRICK ATKINSON,

Plaintiff,

v.

Commissioner BRIAN OWENS, *et.al.*,

Defendants.

CIVIL ACTION NO. 5:14-CV-294(MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles to allow the Eighth Amendment claim against Officer Brandon Thomas to go forward, but dismiss all other claims and parties without prejudice. (Doc. 5). Specifically, the Magistrate Judge concluded that the Plaintiff alleged sufficient facts to state an Eighth Amendment claim against Officer Thomas. However, the Plaintiff failed to state sufficient facts for the claims against the following individuals: (1) a Fourth Amendment claim and a Due Process Clause of the Fourteenth Amendment claim against Officer Thomas; (2) a Fourth Amendment claim, Due Process claim, and Eighth Amendment claim against Officer Carol Fowler; (3) an Eighth Amendment claim for inadequate medical care against Warden McLaughlin; and (4) a claim against Commissioner Brian Owens as a supervisory official. Finally, the Magistrate Judge recommends dismissing the claims for injunctive relief because the Court is not authorized to grant the requested relief under § 1983. The Plaintiff did not object to the Recommendation.

The Court has reviewed the Recommendation, and the Court accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the Order of this Court. Accordingly, the Fourth Amendment and Due Process Clause of the Fourteenth Amendment claims against Officer Thomas are **DISMISSED** without prejudice. The Plaintiff's claims against Officer Fowler, Warden McLaughlin, and Commissioner Owens and claims for injunctive relief are **DISMISSED** without prejudice. The Plaintiff's Eighth Amendment claim against Officer Thomas will go forward.

SO ORDERED, this 22nd day of September, 2014.

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