

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

<b>DARRYL SCOTT STINSKI,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:14-CV-409 (MTT)</b>
	)	
<b>WARDEN BRUCE CHATMAN, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER**

Before the Court is the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 24). The Magistrate Judge recommends granting the Defendants' Motion to Dismiss (Doc. 18) and dismissing the complaint without prejudice. (Doc. 24 at 1). The Plaintiff has not objected to the Recommendation. Therefore, the Recommendation is reviewed for clear error. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam) (quoting *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005)) ("Most circuits agree that '[i]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'").

The Defendants filed their pre-answer Motion to Dismiss before this Court ruled on the Recommendation of the Magistrate Judge at screening under 28 U.S.C. § 1915. The Order on the Recommendation allowed more claims to proceed than the Recommendation because the Plaintiff's Objection was construed as a motion to amend

his complaint. (Doc. 20). The Motion to Dismiss, however, only addresses those claims that were allowed to proceed in the original Recommendation. Those claims are the religious freedom claims regarding the denial of religious items and observances and equal protection claims against Defendants Chatman and Miller. (Doc. 13 at 6, 8). The Magistrate Judge's finding that these claims are unexhausted and should be dismissed pursuant to the PLRA is not clearly erroneous. Therefore, these claims are **DISMISSED**. However, religious freedom claims against Defendants Miller,<sup>1</sup> Eutsey, Baucomb, Harrell, and Pierly; the equal protection claim against Defendant Harrell; and the retaliation claims against Defendants Chatman, Miller, and Eutsey remain.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge except as modified by this Order. The Recommendation is **ADOPTED as MODIFIED** and made the order of this Court. Accordingly, the religious freedom claims regarding the denial of religious items and observances and the equal protection claims against Defendants Chatman and Miller are **DISMISSED**. The Motion for Legal Supplies is **DENIED as MOOT**. (Doc. 21).

**SO ORDERED**, this 4th day of January, 2016.

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

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<sup>1</sup> The claim against Defendant Miller regarding the denial of religious items and observances has been dismissed as unexhausted. However, the claim for the forcible shave and haircut remains.