

to consider whether Major should be allowed to amend his complaint to allege these facts and, if so, whether the failure to intervene claims should proceed. To the extent Major's Objection attempts to allege new facts bearing on other claims, this attempt is futile because, even considering the additional facts, those claims lack legal merit.

Excluding the recommendation on the failure to intervene claims, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of the Court.

Accordingly, the claims against Doe Defendants, the denial of medical treatment claims; the claims regarding grievances; the claims regarding destruction or seizure of personal property; the access to courts claims; the religious freedom claims; and the supervisory liability claims are **DISMISSED without prejudice**. The sexual assault and retaliation claims against Defendant Johnson, the excessive force claims against Defendants Davis and Shoemaker, and the Tier III classification claims are allowed to proceed for further factual development. The failure to intervene claims against Defendants Deloach and Smith are **REMANDED** to the Magistrate Judge to consider the additional facts alleged and their effect on those claims.

SO ORDERED, this 29th day of November, 2016.

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