

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

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DAVID A. HEATH,

*Plaintiff,*

v.

GREGORY MCLAUGHLIN, *et al.*,

*Defendants.*

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CIVIL ACTION NO.  
5:18-cv-00168-TES-MSH

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ORDER ADOPTING REPORT AND RECOMMENDATION

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Plaintiff David A. Heath, an inmate currently confined in Hancock State Prison, filed a *pro se* complaint under 42 U.S.C. § 1983 against several Macon State Prison officials alleging violations of his First and Eighth Amendment rights. *See generally* [Doc. 1]. In his complaint, Plaintiff claims that Defendant Lt. Ridley, who is one of two remaining Defendants in this case, threatened him with violence for requesting medical assistance after he was injured in a prison van accident. [Doc. 1, pp. 10, 12]. Plaintiff further claims that Lt. Ridley's actions constituted retaliation in violation of Plaintiff's First Amendment right "to seek redress from the prison [through] medical treatment." [*Id.* at p. 12].

Lt. Ridley moved to dismiss this claim on the grounds that he is entitled to Eleventh Amendment immunity on the claims alleged against him in his official capacity; Plaintiff failed to exhaust his administrative remedies as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a); and Plaintiff's claims for injunctive relief are

moot. *See generally* [Doc. 27-1]. The United States Magistrate Judge reviewed Ridley's motion and Plaintiff's response and now recommends that the Court grant Ridley's motion. *See generally* [Doc. 36].

Because the parties filed no objections to the recommendation, the Court need only review the Magistrate Judge's findings for clear error. *See* 28 U.S.C. § 636(b)(1); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006) (“[I]n the absence of a timely filed objection, a district court . . . must only satisfy itself that there is no clear error on the face of the record in order to accept the [magistrate judge's] recommendation.”). Having performed the requisite review of the findings, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation [Doc. 36] and **MAKES IT THE ORDER OF THE COURT**. Accordingly, Defendant Lt. Ridley's Motion to Dismiss [Doc. 27] is **GRANTED**.

**SO ORDERED**, this 23rd day of September, 2019.

s/Tilman E. Self, III  
**TILMAN E. SELF, III, Judge**  
**UNITED STATES DISTRICT COURT**