

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

STEVIE PORTER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 5:22-CV-61-CAR-CHW
	:	
	:	
Dep. Warden DONAVON	:	
HAMILTON, et. al.,	:	
	:	
Defendants.	:	
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**ORDER ON RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE AND MOTIONS FOR EXTENSION OF TIME**

Before the Court is the United States Magistrate Judge’s Recommendation [Doc. 70] that the Court deny Defendant Dr. Sharnn Sheppard’s Motions to Dismiss [Docs. 54, 64] and provide Defendant with an additional discovery period of 60 days, with dispositive motions to be due 30 days after the expiration of the discovery period. Defendants Drs. Joseph Fowlkes,¹ Sol Prebus, and Shirley Eugene also move to extend the discovery period [Docs. 72, 73, 75].

¹ The docket refers to Defendant Joseph Fowlkes as Dr. “Fowles.” But Defendant states his name is misspelled in Plaintiff’s filings. [Doc. 75 at 1 n.1]. Accordingly, the Clerk is **DIRECTED** to change the docket to reflect the correct spelling of Defendant Fowlkes’ name.

Defendant Sheppard has filed an Objection to the Recommendation, essentially restating his arguments for dismissing Plaintiff Stevie Porter's Complaint. Defendant argues (1) Plaintiff fails to sufficiently allege conduct that could rise to the level of deliberate indifference, and (2) Plaintiff failed to exhaust his administrative remedies. The Court agrees with the Magistrate Judge's recommendation that Defendant's Motions to Dismiss be denied because Plaintiff's allegations are sufficient to state a claim for which relief can be granted and Plaintiff did fully exhaust his available administrative remedies.

The Magistrate Judge further recommends providing Defendant Sheppard with additional time for discovery and to file dispositive motions. Defendant Fowlkes, Prebus, and Eugene also move for additional time to complete discovery. Given the pending Motions, and the fact that all parties would benefit from additional discovery, the Court finds good cause exists to extend the discovery and dispositive motions deadlines.

This Court has made a *de novo* determination of the portions of the Recommendation to which Petitioner objects. Having done so, the Court finds the Objection to be without merit. Accordingly, the Magistrate Judge's Recommendation [Doc. 70] is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT**. Defendant Sheppard's Motions to Dismiss [Doc. 54, 64] are **DENIED**. The Court **GRANTS** Defendants Fowlkes, Prebus, and Eugene's Motions for Extension of Time [Docs. 72, 73, 75] and **EXTENDS** the discovery deadline until May 28, 2024, and the

dispositive motion deadline until June 27, 2024. Finally, the Clerk of Court is **DIRECTED** to change the docket to reflect the correct spelling of Defendant Fowlkes' name.

SO ORDERED, this 27th day of March, 2024.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT