

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

SHAKEEM ANTONIO BROXTON,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 5:23-cv-404 (CAR) (CHW)
v.	:	
	:	
MACON STATE PRISON, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER ON RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Currently before the Court is the Order and Recommendation of the United States Magistrate Judge [Doc. 4] recommending to (1) allow Plaintiff’s claim against Sergeant Breanna Ingram for deliberate indifference to safety to proceed forward for further factual development; and (2) dismiss without prejudice Plaintiff Broxton’s claims against Lieutenant Nicholson and Macon State Prison. Plaintiff filed a Response to the Order and Recommendation [Doc. 5] in which he preemptively moves for default judgment but does not object to the Magistrate’s recommendations.

Construing Plaintiff’s Response as a Motion for Default Judgment [Doc. 5], it is hereby **DENIED as premature**. Having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. Accordingly, the Order and Recommendation [Doc. 4] is hereby **ADOPTED** and **MADE**

THE ORDER OF THE COURT. The claims against Lieutenant Nicholson and Macon State Prison are hereby **DISMISSED without prejudice.** Plaintiff's claim against Sergeant Breanna Ingram for deliberate indifference to safety remains pending.

SO ORDERED, this 6th day of February, 2024.

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