

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

**ASHLEY ALTON DIAMOND,**

Plaintiff,

v.

**MARTY ALLEN, et al.,**

Defendants.

Civil Action No. 7:14-CV-124 (HL)

**ORDER**

This case is before the Court on a Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 12). Judge Langstaff recommends that Plaintiff be permitted to pursue his Eighth Amendment claims against Warden Marty Allen and Director Dave McCracken. It is recommended that all other claims and parties be dismissed.

Plaintiff filed no objections to the Recommendation. The Court reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts and adopts the Recommendation. Petitioner may move forward with his Eighth Amendment claims against Warden Marty Allen and Director Dave McCracken. Petitioner's remaining claims asserting violations of equal protection, the Americans with Disabilities Acts (ADA) and the Prison

Rape Elimination Act of 2003 (PREA) and all other Defendants are dismissed without prejudice.

**SO ORDERED**, this 17th day of November, 2014.

**s/ Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

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