

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

MAUTIOUS D. WISE,	:	
DEVONTA J. WISE and	:	
RUSSELL GREEN,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO.
	:	2:12-CV-0291-RWS
	:	
v.	:	
	:	
MARK BANDY, in his individual	:	
capacity, <i>et al.</i> ,	:	
	:	
Defendants.	:	


ORDER

This case is before the Court for consideration of the Report and Recommendation [70] of Magistrate Judge J. Clay Fuller. After reviewing the Report and Recommendation, and Defendants’ Objections [77 and 78] thereto, the Report and Recommendation is received with approval and adopted as the Opinion and Order of this Court. The Court would note that it is not convinced that Plaintiff was hampered in responding to the Motions for Summary Judgment due to the lack of discovery. As Judge Fuller noted, many of the alleged facts for which Plaintiff asserts that he has not had time to develop a factual record are matters uniquely within his personal knowledge. However, as

Judge Fuller also noted, this does not relieve Defendants from presenting evidence to support their motions. R&R [70] at 18, n.10.

Accordingly, Defendants' Motions for Partial Summary Judgment [37 and 38] are **DENIED, WITHOUT PREJUDICE.**

SO ORDERED, this 14th day of February, 2014.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE