

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

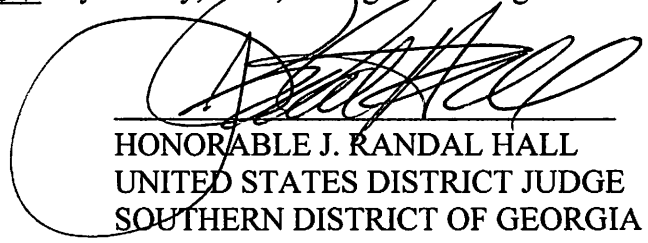
GENE RENARD WILSON,)
)
 Plaintiff,)
)
 v.) CV 113-054
)
)
 TERRI BUSSEY, Deputy Warden of Care)
 and Treatment; SGT. CODEY; LT. CALER;))
 OFFICER TOMMY; and LT. JONES,)
)
 Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 79.) Plaintiff does not offer any new information, evidence, or argument that warrants a deviation from the Magistrate Judge's recommendation. Accordingly, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as the opinion of the Court. Therefore, the Court **DISMISSES** Plaintiff's claims based on (1) deliberate indifference to safety in violation of the Eighth Amendment against Defendants Bussey, Caler, and Codey, (2) violation of prison regulations against all defendants, and (3) supervisory liability against Defendant Bussey. Additionally, the Court **DISMISSES** Defendants Bussey, Caler, and Codey from this case. Plaintiff's Eighth Amendment claims against Defendants Tommy and Jones for deliberate indifference to safety will go forward.

Plaintiff also claims that he inadvertently named Defendant Terri Bussey as a defendant and he attempts to reserve “the right to amend and add the warden of security” once he obtains that warden’s name. (Doc. no. 79.) As the Magistrate Judge correctly found, Plaintiff failed to state a claim against Defendant Bussey under any theory of liability, including (1) deliberate indifference to safety, (2) violation of prison regulations, and (3) supervisory liability. (See generally doc. no 21.) If Plaintiff merely intends to substitute the warden of security’s name for Defendant Bussey, this will not change the analysis and the amendment will be futile. However, if Plaintiff wishes to amend his complaint to add the warden of security and assert different allegations against him or her, then he may do so in compliance with Federal Rule of Civil Procedure 15.

SO ORDERED this 12th day of May, 2014, at Augusta, Georgia.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA