

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

DURANTE MARQUIS SMITH,)

Plaintiff,)

v.)

CV 114-206

OFC. ERIC ANDREWS)
and OFC. SYLVESTER HAGINS,)


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. nos. 36, 40, 41, 42, 43). Accordingly, the Court **OVERRULES** both parties' objections and **ADOPTS** the Report and Recommendation of the Magistrate Judge as the opinion of the court. The Court **DISMISSES** Plaintiff's official capacity claims for compensatory damages against Defendants, and **DENIES** Defendants' motion to dismiss with respect to Plaintiff's claim against both Defendants in their individual capacities. Defendants are required to file an answer to Plaintiff's complaint within fourteen days. See Fed. R. Civ. P. 12(a)(4)(A). Furthermore, the stay of discovery currently in place is lifted (doc. no. 25), and the Clerk

shall issue a Scheduling Notice setting the deadlines in this case upon the filing of Defendants' answer.

SO ORDERED this 10th day of September, 2015, at Augusta, Georgia.



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