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

RICHARD CONCKLIN,	
Plaintiff,	
٧.	
DR. PETER LIBERO, and FRANK ADAIR,	

CIVIL ACTION NO.: CV213-012

Defendants.

<u>ORDER</u>

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Plaintiff filed Objections. In his Objections, Plaintiff contends that only he, and not the Bureau of Prisons, is "sanctioned" for his alleged failure to exhaust his administrative remedies or to otherwise comply with the administrative remedies procedures. (Doc. No. 29, p. 2). The Magistrate Judge noted Plaintiff's assertions in this regard and found them to be without merit. Plaintiff's Objections offer nothing which reveals that this finding should be disturbed.

Plaintiff also objects to the Magistrate Judge's conclusion that Plaintiff failed to create a genuine dispute as to any fact material to his Eighth Amendment claim regarding his cough. Even accepting Plaintiff's allegations as true, it is apparent that Plaintiff disagrees with the level of care and treatment he received for this condition. As

the Magistrate Judge advised Plaintiff, such contentions are legally insufficient to support a deliberate indifference to a serious medical needs claim.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Defendants' Motion to Dismiss or in the Alternate for Summary Judgment is **GRANTED**. Plaintiff's deliberate indifference claims regarding his hernia and left arm issues are **DISMISSED**, without prejudice. Plaintiff's deliberate indifference claim concerning his cough is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 15 day of Noreney, 2013.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA