

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT 2015 AUG 24 PM 3:12
FOR THE SOUTHERN DISTRICT OF GEORGIA

CLERK *J. Hand*
SO. DIST. OF GA.

DUBLIN DIVISION

ISAAC MORRIS,

Plaintiff,

v.

JOSE MORALES, Johnson State Prison,
in his individual and official capacities, and
CALEB AJIBADE, Johnson State Prison,
in his individual and official capacities,

Defendants.


CV 315-004

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, and **GRANTS IN PART** and **DENIES IN PART** Defendants' renewed pre-answer motion to dismiss. (Doc. no. 91.) The Court **DISMISSES** Plaintiff's claim against Defendant Morales, **DISMISSES** Defendant Morales from this case, **DENIES** the motion to dismiss with respect to Plaintiff's claim against Defendant Ajibade, and **GRANTS** Plaintiff leave of court to file an amended complaint clarifying the allegations against Defendant Ajibade. Notably, Plaintiff has already filed an amended complaint against Defendant Ajibade in response to the Magistrate Judge's Report and Recommendation for leave to amend. (Doc.

no. 107.) Defendant Ajibade has until September 4th, 2015, to respond to Plaintiff's amended complaint.

SO ORDERED this 24th day of August, 2015, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE