

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

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2018 JUL 20 AM 9:29
CLERK 
SO. DIST. OF GA.

WILLIE WATERS,)
)
Plaintiff,)
)
v.)
)
GEORGIA DEPARTMENT OF)
CORRECTIONS; WESLEY O'NEAL,)
Correctional Unit Manager; JOSEPH POSS,)
Correctional Officer; JOSEPH SCOTT,)
Correctional Officer; ANTONIO TAYLOR,)
Correctional Officer; ALEXANDER)
TAYLOR, Correctional Officer;)
ELLIS LORGE, Correctional Officer;)
and JAMES MASON, Correctional Officer,)
)
Defendants.)

CV 316-076

ORDER

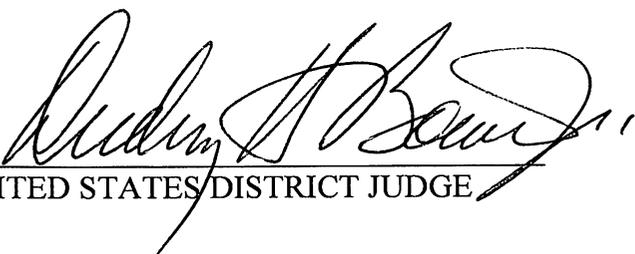
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which objections have been filed. (Doc. no. 93.) Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's Eighth and Fourteenth Amendment claims against Defendant GDOC, official capacity claims against O'Neal, Poss, Scott, Alexander Taylor, Antonio Taylor, Lorge, and Mason, and claims regarding his treatment at BSP, and **DENIES** Plaintiff's request for a preliminary injunction.

Plaintiff also objects to the Magistrate Judge's June 26, 2018 Order, (doc. no. 89), staying the deadline for Defendants to answer Plaintiff's amended complaint until after the Court takes final action on the R&R and ordering Defendants to file a response to the amended complaint within fourteen days of such action. (Id. at 1-2.) Plaintiff expresses concern Defendants will file a motion for summary judgment before the Court rules on Plaintiff's pending motion to compel, which will prejudice his ability to respond. (Id. at 2.)

Plaintiff's concerns are unfounded. Following the filing of the first answer of a Defendant, the Court will enter a revised scheduling order reopening the discovery period and providing a new motions deadline. Furthermore, the Court will not rule on any potentially forthcoming motion for summary judgment without first resolving any discovery disputes between the parties. Accordingly, the Court **OVERRULES** Plaintiff's objections to the June 26th Order. (Doc. no. 89.)

Defendants shall have fourteen days following entry of this Order within which to answer, move, or otherwise plead to Plaintiff's amended complaint. After the filing of the first answer of a Defendant, the Court will enter a revised scheduling order setting new case deadlines.

SO ORDERED this 20th day of July, 2018, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE