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

JAY WAYNE BURCH, JR.,

Plaintiff,

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CIVIL ACTION NO.: CV509-025

ERNEST "DOBIE" CONNER; DR. CHARLES HARDEN; and MARK GARNER,

Defendants.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Reports and Recommendations. Plaintiff filed a Motion for Declaratory Judgment, which the Court construes, at least partially, as Objections to the Magistrate Judge's Reports. Defendants Harden and Garner filed a Response to Plaintiff's Motion.

"In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such." 28 U.S.C. § 2201(a). There is no requirement that a federal court must declare the rights of the parties under the Declaratory Judgment Act. MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118, 136

(2007). Issuing a declaratory judgment in this case is not appropriate, and the Court declines to do so.

To the extent Plaintiff's filing is deemed to be his Objections to the Magistrate Judge's Reports, his Objections are without merit and are overruled. Plaintiff fails to show a genuine issue of material fact as to whether Defendants Harden, Garner, or Conner were deliberately indifferent to Plaintiff's serious medical needs. The Reports and Recommendations of the Magistrate Judge are adopted as the opinions of the Court. Defendant Conner's Motion for Summary Judgment and the separately-filed Motion for Summary Judgment of Defendants Harden and Garner are GRANTED. Plaintiff's Complaint is DISMISSED. The Clerk of Court is authorized to prepare the appropriate judgment of dismissal.

SO ORDERED, this 17 day of November, 2010.

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