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

CHARLES RUFUS THOMLEY, II,

Plaintiff.

v. : CIVIL ACTION NO.: CV514-073

RAMSEY BENNETT, Sheriff; Lt. RALPH MILLER; HEATHER SPRADLY, Nurse; and Dr. PETER ROBLE,

Defendants.

## ORDER

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 Defendant Robles, the doctor at the Pierce County Jail, has the responsibility of ensuring that the detainees at the Jail have proper medication. Plaintiff also contends that he was denied his medication for two days.

As the Magistrate Judge noted, Plaintiff fails to make an assertion which reveals that Defendant Roble was aware that Plaintiff had a serious medical need and was deliberately indifferent to that need. Assuming, *arguendo*, that Defendant Roble's delay of two days in ordering Plaintiff's medication could constitute deliberate indifference to a serious medical need, Plaintiff cannot sustain a cause of action against Defendant Roble in this situation. In determining whether a delay in treatment rises to the level of deliberate indifference, relevant factors include: "(1) the seriousness of the medical

need; (2) whether the delay worsened the medical condition; and (3) the reason for the delay." Goebert v. Lee Cnty., 510 F.3d 1312, 1327 (11th Cir. 2007). The question of whether a delay in receiving treatment worsened an individual's condition overlaps with the causation inquiry. Id. at 1329. Plaintiff fails to make any showing that the two-day delay in receiving his medication worsened his condition.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation, as supplemented herein, is adopted as the opinion of the Court. Plaintiff's claims against Defendant Roble are **DISMISSED**, and Defendant Roble is terminated as a named Defendant.

Plaintiff has also filed a letter, which was docketed as a Motion for Subpoena, and a Motion for Subpoenas. Through these Motions, Plaintiff seeks to have this Court issue subpoenas to obtain video footage from the Pierce County Jail for three specific dates, as well as the x-rays and other medical information on file. Plaintiff also seeks to have this Court issue subpoenas for several witnesses and officers to get their statements. Plaintiff further seeks subpoenas for the Defendants upon whom the Magistrate Judge ordered service of Plaintiff's Complaint. Pursuant to a Court Order entered on January 16, 1996, in Case Number MC496-06, Plaintiff's Motions, (doc. nos. 20, 22), are **DENIED**. Plaintiff may obtain this information by other means.

SO ORDERED, this \( \frac{1}{2} \) day of \( \frac{1}{2} \)

. 2014.

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