

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

QUINTAVIOUS LUNDY,

Plaintiff,

v.

HOMER BRYSON; JAMES K. COX, JR.;
KIMBERLY LOWE; WILLIAM
STEEDLY; THOMAS GRAMIAK; and
ELIZABETH BOWLES,

Defendants.

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CIVIL ACTION NO.: 5:16-cv-71

ORDER

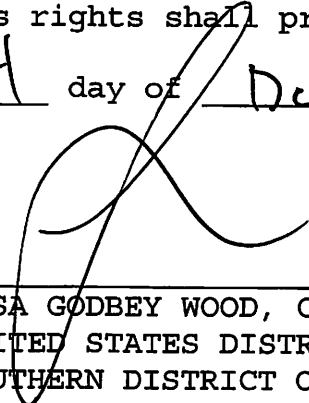
Presently before the Court is Plaintiff Quintavious Lundy's ("Lundy") Objections to the Magistrate Judge's Report and Recommendation dated November 3, 2016. (Dkt. No. 17.) In his Objection, Lundy objects to the Magistrate Judge's Recommendation that this Court dismiss his claims for punitive damages. (Id. at p. 1.) Plaintiff argues that he is entitled to recover punitive damages because Defendants' actions were "motivated by evil motive or intent." (Id.)

However, as discussed in the Report and Recommendation, "a prisoner that has not suffered any physical injury cannot recover compensatory or punitive damages." Al-Amin v. Smith, 637 F.3d 1192, 1199 (11th Cir. 2011). In his Objections,

Plaintiff does not allege that he has suffered any physical injury. Moreover, his contention regarding Defendants' subjective intent does not change the Court's analysis of his punitive damages claims.

Accordingly, the Court **OVERRULES** Lundy's Objections. The Court **CONCURS** with and **ADOPTS** the Magistrate Judge's Report and Recommendation, (dkt. no. 15), as the opinion of the Court. Consequently, the Court **DISMISSES** Plaintiff's claims for monetary damages against Defendants in their official capacities, all claims for punitive and compensatory damages, and all claims against Defendants Gramiak and Bowles. However, Plaintiff's claims for injunctive relief and nominal damages for violation of his due process rights shall proceed.

SO ORDERED, this 14 day of December, 2016.



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