

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

FILED
U.S. DISTRICT COURT
2017 OCT 24 P 12:12
D. Jay

DEWEL HAMMIT,

Plaintiff,

v.

WARDEN HILTON HALL;
CHIEF/WARDEN RICKY STONE; UNIT
MANAGER SIZEMORE; and J. BELL,

Defendants.

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CIVIL ACTION NO.: 5:17-cv-64

ORDER

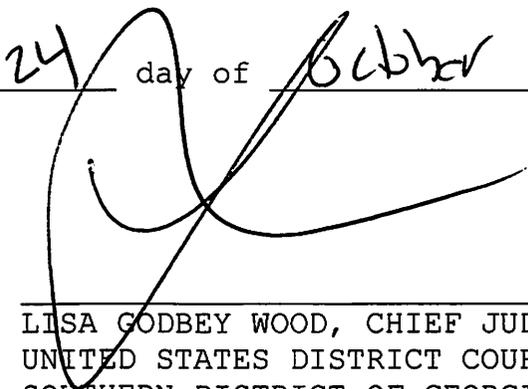
After an independent and de novo review of the record, the undersigned concurs in part with the Magistrate Judge's September 5, 2017, Report and Recommendation, dkt. no. 11, to which Plaintiff filed Objections, dkt. no. 13. Plaintiff contends that the Court should not dismiss his monetary damages claims against Defendants Sizemore and Stone in their official capacities.1 Id. Plaintiff argues that Defendants Sizemore and Stone do not receive immunity under the Eleventh Amendment because they are private employees of Corrections Corporation of America. Id at pp. 4-7. The Court will assess the viability of

1 Plaintiff also appears to contest the recommendation that the Court dismiss his claims against Defendants Hall and Bell. However, the Magistrate Judge addressed and correctly rejected those claims in his Report and Recommendation, and the Court need not repeat that analysis. Dkt. No. 11, pp. 6-7.

these claims on a more complete record rather than dismissing the claims at this early stage, as the Magistrate Judge recommended.

Accordingly, the Court **SUSTAINS IN PART** Plaintiff's Objections and **REJECTS IN PART** the Magistrate Judge's Report and Recommendation. The Court **SUSTAINS** Plaintiff's Objections as to his monetary damages claims against Defendants Sizemore and Stone in their official capacities and those claims shall proceed. However, the Court **OVERRULES** Plaintiff's Objections as to his claims against Defendants Hall and Bell and **DISMISSES** those claims in their entirety. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation, as amended herein, as the opinion of the Court. Defendants Sizemore and Stone shall have **twenty-one (21)** days to file an Amended Answer to Plaintiff's Complaint.

SO ORDERED, this 24 day of October, 2017.



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