

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

JOHN MILLER,

Plaintiff,

v.

TAMMY SUGGS, et al.,

Defendants.

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CIVIL ACTION NO.: 5:17-cv-123

ORDER

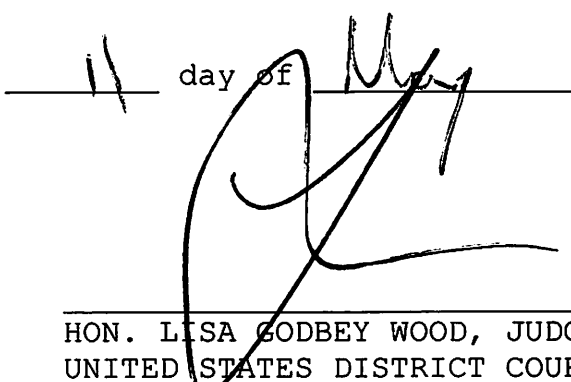
After an independent and *de novo* review of the record, the undersigned concurs in part with the Magistrate Judge’s March 22, 2018, Report and Recommendation, dkt. no. 16, to which Plaintiff filed Objections, dkt. no. 18. Plaintiff contends that the Court should not dismiss his monetary damages claims against Defendants Suggs, Hall, K. Davis, Cook, Green, Youngblood, and L. Davis in their official capacities.¹ Id. Plaintiff argues that these Defendants do not receive immunity under the Eleventh Amendment because they are private employees of CoreCivic, Inc. Id. at pp. 1-2. The Court will assess the viability of these claims on a more complete record rather than

¹ Plaintiff does not contest the Magistrate Judge’s recommendation to dismiss his monetary damages claims against Defendant Burse in his official capacity. Id. at p. 1.

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 Suggs, Hall, K. Davis, Cook, Green, Youngblood, and L. Davis in their official capacities, and those claims shall proceed. The Court otherwise **ADOPTS** the Magistrate Judge's Report and Recommendation, as amended herein, as the opinion of the Court, and **DISMISSES** Plaintiff's monetary damages claims against Defendant Burse in his official capacity.

SO ORDERED, this 11 day of May, 2018.



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