

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

FILED  
U.S. DISTRICT COURT  
STATESBORO DIV.  
2009 MAY -4 AM 9:43  
CLERK *Rw*  
SO. DIST. OF GA.

TRAVIS NAPIER KING,

Plaintiff,

vs.

CIVIL ACTION NO.: CV608-109

STEVE UPTON; JOHN PAUL;  
JOE BURNETTE; JOHNNY  
SMITH and LARRY BREWTON,

Defendants.


ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff contends that Defendants Burnette and Smith were aware of the poor conditions of his cell. Plaintiff further contends that Defendants' failure to remedy the situation shows actual malice with intent to cause harm. Plaintiff asserts that the actions of Defendants show that they do not act in conformity with the Georgia Department of Correction's policies. Plaintiff further asserts that if Defendants had notified the mental health director, as mandated by policy, mental health could have assumed responsibility for managing the situation. Plaintiff further asserts that Defendants' disregard of policy constituted deprivation of mental health care. (Doc. No. 10, pp. 1-3).

Plaintiff's Objections are without merit. Defendants Burnette and Smith did not demonstrate deliberate indifference to Plaintiff's serious medical needs by allegedly failing to notify mental health after moving him to a different cell. Further, Plaintiff has failed to show that he was denied mental healthcare. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Plaintiff's deliberate indifference to his serious medical needs claims against Defendants Burnette and Smith are **DISMISSED**.

**SO ORDERED**, this 4 day of May, 2009.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA