

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

MAY 19 PM 3:00

CLERK *[Signature]*
SO. DIST. OF GA.

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

JAMES DANIEL HODGES,

Plaintiff,

v.

CIVIL ACTION NO.: CV610-006

Ms. RAUB, Contract Staff Nurse
and STATE OF GEORGIA
DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER

After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that he was verbally and physically assaulted by Defendant Raub. Plaintiff also asserts that the witness incident statement he has submitted supports his claims.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED** based on his failure to state a claim pursuant to 42 U.S.C. § 1983. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 19 day of May, 2010.

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