

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

MAY 17 PM 12:00

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

S.D. DIST. OF GA.

ROBERT FIELD,

Plaintiff,

v.

GEORGIA DEPARTMENT OF
CORRECTIONS, and SMITH
STATE PRISON,

Defendants.

CIVIL ACTION NO.: CV610-018

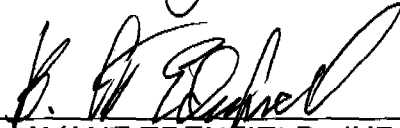
ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that the Magistrate Judge's Report overlooked certain factual allegations in Plaintiff's complaint and that his claims against the Georgia Department of Corrections ("GDOC") and Smith State Prison should be allowed to proceed. As noted in the Report, the Eleventh Amendment immunizes the GDOC from suit, and Smith State Prison is not a legal entity subject to suit.

Plaintiff's Objections are without merit and are **OVERRULLED**. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Plaintiff's complaint is **DISMISSED**. The Clerk is authorized and directed to enter the appropriate Judgment.

SO ORDERED, this 17th day of May, 2010.



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