

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

LANARD WILLIAMS; CHRISTOPHER )  
MABRY; CEDRIC CALDWELL; and )  
AVERY RICHARD, )

Plaintiffs, )

v. )

**6:11-cv-11**


STEVEN UPTON, Warden; WENDELL )  
FOWLER, Deputy Warden; DANE )  
DASHER, Deputy Warden; and CHRIS )  
TUCKER, Correctional Officer, )

Defendants. )

**ORDER**

After a careful *de novo* review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which an objection has been filed. Chris Tucker, however, has filed for bankruptcy and this action is stayed as to Tucker alone. *See* 11 U.S.C. § 362(a); *In re Stewart*, 329 B.R. 910, 914-15 (Bankr. M.D. Ga. 2005) (noting that the automatic stay of § 362 typically does not apply "to non-bankrupt co-defendants of a debtor even if they are in a similar legal or factual nexus with the debtor"). The R&R therefore is **ADOPTED** as the opinion of the Court as to all defendants except Tucker. Once the bankruptcy court lifts the stay, the Court will consider the R&R as it applies to Tucker.

The 4 day of November, 2013

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