

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

CURTIS SPIRES,

Plaintiff,

v. 6:11-cv-45

**JOHN PAUL, KIM THOMAS, LARRY
BREWTON, TAMMIE THOMAS,
FERRY BRADDY, DOUG WILLIAMS,
Dr. DEAN BROOME; and DEBORAH
M. KING,**

Defendants.

ORDER

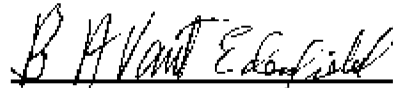
Plaintiff Curtis Spires (“Spires”), currently incarcerated at Georgia State Prison in Reidsville, Georgia, filed a cause of action pursuant to 42 U.S.C. § 1983, alleging violations of the Eighth Amendment. *See* Docs. 1; 13. Defendants filed a “Pre-Answer Motion to Dismiss.” *See* Doc. 28.

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”), *see* Doc. 52, to which objections have been filed. Spires has alleged sufficient factual allegations against Defendants Larry Brewton (“Brewton”) and Doug Williams (“Williams”) to survive a motion to dismiss. The objections are overruled.

Accordingly, the R&R is adopted as the opinion of the Court. Defendants’ “Pre-Answer Motion to Dismiss” is **GRANTED** in part, **DENIED** in part. Spires’s claims

against Defendants in their official capacities are **DISMISSED**. Spires’s claims against Defendants John Paul, Kim Thomas, Tammie Thomas, Ferry Braddy, Dr. Dean Broome, and Deborah M. King in their individual capacities are **DISMISSED**. Spires’s individual capacity claims against Defendants Brewton and Williams remain pending.

This 7th day of November 2011.



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