

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

LEONARD WIMBERLY, JR.,

Plaintiff,

v.

DEAN BROOME; NURSE GAIL FERRA;
and NURSE MARTHA MIDDLETON,

Defendants.

CIVIL ACTION NO.: 6:15-cv-23

ORDER

Before the Court is the December 9, 2015 Report and Recommendation of the Magistrate Judge. (Doc. 12.) The Court **ADOPTS** the Report and Recommendation, as supplemented herein, as the opinion of the Court.

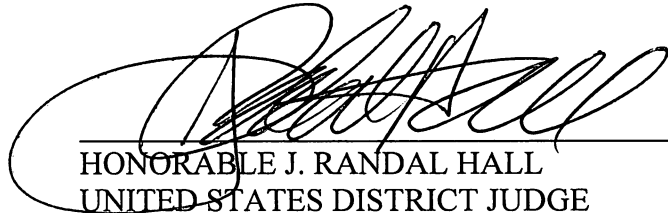
The Magistrate Judge conducted an initial screening of Plaintiff's Complaint and found that Plaintiff stated colorable claims against Defendants in their individual capacities. (Id. at pp. 5–6.) However, the Magistrate Judge recommended that the Court dismiss Plaintiff's claims against Defendants in their official capacities. (Id. at pp. 4–5.)

In his Objections to the Report and Recommendation, Plaintiff clarifies that he only seeks injunctive relief against Defendants in their official capacities. (Doc. 13.) The Eleventh Amendment and traditional principles of state sovereignty do not preclude claims for purely injunctive relief against Defendants in their official capacities. Welch v. Laney, 57 F.3d 1004, 1009 (11th Cir. 1995); see also, McClendon v. Georgia Dep't of Cmty. Health, 261 F.3d 1252, 1256 (11th Cir. 2001) (“The Young doctrine permits federal courts to entertain suits against state officers seeking prospective equitable relief to end continuing violations of federal law.”);

Bradley v. Hart, No. 5:13-cv-127, 2015 WL 1032926, at *4 (S.D. Ga. Mar. 9, 2015) (“To be clear, a ‘state defendant[] sued in [his] official capacity for monetary damages under § 1983 [is] immune from suit under the Eleventh Amendment, [but he is] not immune from claims seeking prospective declaratory or injunctive relief.’”) (quoting Smith v. Fla. Dep’t of Corr., 318 F. App’x 726, 728 (11th Cir.2008)).

Consequently, Plaintiff’s claims for injunctive relief against Defendants in their official capacities will proceed along with his claims against Defendants in their individual capacities. However, the Court **DISMISSES** Plaintiff’s claims for monetary damages against Defendants in their official capacities.

SO ORDERED, this 2nd day of February, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA