

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

TIMOTHY N. EVANS

PLAINTIFF

V.

NO. 4:15-CV-00072-DMB-JMV

DR. JUAN SANTOS, ET AL.

DEFENDANTS

ORDER REGARDING REPORT AND RECOMMENDATION

On September 16, 2015, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation recommending that nursing supervisor Norma Evans be dismissed as a defendant in this § 1983 action because Plaintiff Timothy N. Evans stated at his Spears¹ hearing that he intended Evans only as a witness, but that process be issued for the remaining defendants. Doc. #26. Since the entry of the Report and Recommendation, however, Evans claims he was provided with further discovery,² and that such discovery supports naming Norma Evans as a defendant in this action. Doc. #73. Accordingly,

1. The Court adopts in part, and declines to adopt in part, the Report and Recommendation [26] dated September 16, 2015. The Court declines to adopt the Report and Recommendation to the extent it recommends the dismissal of Norma Evans as a defendant but adopts it in all other respects; and

2. It is **ORDERED** that Norma Evans shall remain a defendant in this action, and process be issued against her accordingly.

SO ORDERED, this 25th day of January, 2016.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985).

² Specifically, Evans claims that he “didn’t have a complete copy of all emails” at the time of the Spears hearing, but that Norma Evans “was named in every email by Jim Norris (MDOC attorney) that waiver by Attorney Steiner provided.” Doc. #73 at 4. Evans then alleges that Norma Evans was part of the team that abused various inmates on death row. Id.