IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION

Deena Johnson, as Representative of the Estate and Wrongful Death Heirs of Sammy O'Neal Johnson

PLAINTIFF

V.

CIVIL ACTION NO. 3:14CV25 HTW-LRA

CHRISTOPHER EPPS, EARNEST LEE, JAMES HOLMAN, WEXFORD HEALTH SOURCES, INC., LISA DAY, DR. GLORIA PERRY, AND JANE DOES 1-10

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Linda Anderson [Doc. 33]. Finding that there has been no submission of written objections by any party, the court hereby adopts said Report and Recommendation as the order of this court. Accordingly, the court grants the plaintiff's motion for qualified immunity-related discovery under F.R.C.P. 56(d) [Doc. 24] to the extent specified in the Magistrate's report. The court denies the defendants' motion for summary judgment based on qualified immunity [Doc. 15] without prejudice to their right to re-file it after discovery is complete. Further, the court finds moot the defendants' motion to dismiss based on Eleventh Amendment immunity [Doc. 8].

SO ORDERED, THIS THE 19th DAY OF September, 2014.

<u>s/ HENRY T. WINGATE</u> UNITED STATES DISTRICT JUDGE