IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

Duane Gibson,

Plaintiff,

٧.

Case No. 2: 12 -cv-955

John DesMarais, et al.,

JUDGE MICHAEL H. WATSON Magistrate Judge Kemp

Defendants.

<u>ORDER</u>

This case is before the Court to consider a Report and Recommendation issued by the Magistrate Judge on October 15, 2012. No objections have been filed to the Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation as it relates to Duane Gibson.

Mr. Gibson's Eighth Amendment claims against Drs. Fannon and Granson (Complaint, ¶¶61-64 and 71-74) and disability claim against defendants

Bradshaw and Mapp (Complaint, ¶79) state a claim at the initial screening stage.

Mr. Gibson's Eighth Amendment claims against defendants Desmarais, Rose and Croft regarding his diet supplement (Complaint, ¶75), his orthopedic corrective boot claim against defendant Jordan (Complaint, 65-69), and his retaliation claims are **DISMISSED** for failure to state a claim under 42 U.S.C. §1983. All defendants except RICI Warden Bradshaw, RICI Major Mapp, Dr. Fannon and

Dr. Granson are **DISMISSED** from this lawsuit.

IT IS SO ORDERED.

MÍCHAEL H. WÀTSON, JUDGE

UNITED STATES DISTRICT COURT