

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

EDWARD PACHECO-MUNIZ,

**Plaintiff,**

**v.**

JESUS GONZALEZ-CRUZ, *et al.*,

**Defendants.**

CIVIL NO. 12-2058 (JAG)

**MEMORANDUM & ORDER**

GARCIA-GREGORY, D.J.

Before the Court is defendant Jesus Gonzalez-Cruz ("Gonzalez") and Carlos Molina-Rodriguez's ("Molina") motion to dismiss under Fed. R. Civ. P. 12(b)(6). (Docket No. 13). This motion was referred to Magistrate Judge Lopez, who issued a report and recommendation. (Docket No. 19). After considering Plaintiff's objections, (Docket No. 20), and *de novo* review of Defendants' motion, the Court finds that the magistrate's findings and conclusions of law are correct.

The Court hereby **ADOPTS** in its entirety the magistrate's report for the reasons stated therein. (Docket No. 19). Accordingly, Defendant's motion is:

- (1) **GRANTED** as to Plaintiff's § 1983 claims for monetary damages against Defendants' in their official capacities,
- (2) **DEEMED MOOT** as to Plaintiff's claim for injunctive relief against Defendants' in their official capacity;
- (3) **DENIED** as to Plaintiff's claims against Gonzalez in his personal capacity under the First Amendment, Procedural Due Process Clause of the Fourteenth Amendment and Law 100;

- (4) **GRANTED** as to Plaintiff's claims against Molina in his personal capacity under the First Amendment, Due Process Clause of the Fourteenth Amendment and Law 100;
- (5) **GRANTED** as to Plaintiff's claims under the Fifth Amendment, Substantive Due Process Clause of the Fourteenth Amendment and Article 1802.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 31st day of March, 2014.

S/ Jay A. Garcia-Gregory  
JAY A. GARCIA-GREGORY  
United States District Judge