

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

| | | |
|---|---|-------------------------|
| LELLA V. MOSS, by agent and next friend |) | |
| Tommy Moss, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | Civil No. 2:07-0012 |
| |) | Judge Trauger |
| v. |) | Magistrate Judge Bryant |
| |) | |
| TENNESSEE DEPARTMENT OF HUMAN |) | |
| SERVICES, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

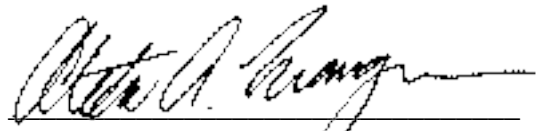
ORDER

On August 28, 2008, the Magistrate Judge issued a Report and Recommendation (Docket No. 93), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of facts and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the Motions to Dismiss filed by the State defendants (Docket No. 17), Dr. Algisr Sidrys (Docket No. 19), John R. Beal and Cookeville Regional Medical Center Authority (Docket No. 21), Dr. John B. Averitt (Docket No. 23) and Kelly Tayes (Docket No. 60) are **GRANTED**, and the Complaint, as amended, against these defendants is **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that the plaintiff's Motion for Partial Summary Judgment (Docket No. 26) is **DENIED**.

Because three defendants listed in the style of this case (Collins, Mattingly, and Welker) apparently remain defendants in this case, the case is **REFERRED** back to Magistrate Judge Bryant for further handling under the original referral Order.

It is so **ORDERED**.

Enter this 7th day of October 2008.



ALETA A. TRAUGER
U.S. District Judge