

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

JOHNNY L. McGOWAN, JR.,)	
)	
Plaintiff,)	
)	
)	CASE NO. 3:14-0578
vs.)	JUDGE TRAUGER/KNOWLES
)	
)	JURY DEMAND
DR. O. OSBORNE, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

On June 19, 2014, the pro se prisoner Plaintiff filed a “Motion for Leave to Amend the Complaint Relative to Dr. O. Osborne.” Docket No. 87. That Motion stated in relevant part:

Plaintiff states that all references in this Complaint to Dr. O. Osborne should be deleted, and Osborne should be replaced with Vicky Bybee (Contractor), who was empowered to contractually bind Corizon, LLC with the Tennessee Department of Correction.

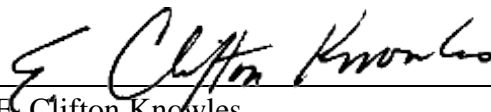
Id.

The undersigned granted the referenced Motion on July 1, 2014. Docket No. 95. Plaintiff is taking steps to have Defendant Bybee served with the Summons and Complaint. Docket Nos. 103, 104).

Since all references in Plaintiff’s Complaint to Dr. O. Osborne have been deleted, the Complaint no longer states a claim against Dr. O. Osborne.

For the foregoing reasons, the undersigned recommends that Dr. O. Osborne should be terminated as a Defendant in this action.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.


E. Clifton Knowles
United States Magistrate Judge