Key v. Nwozo et al Doc. 62

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT KEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. 3:17-cv-00920**
	)	**CHIEF JUDGE CRENSHAW**
MADUBUEZE NWOZO, et al.,	)	
	)	
Defendant.	)	

ORDER

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending the Court grant David Sehorn's and Kenneth Wiley's Partial Motion to Dismiss. (Doc. No. 56.) No timely objections have been filed. Subsequent to the filing of the Report and Recommendation, Robert Key filed a Stipulation of Dismissal as to Kenneth Wiley. Therefore, the Partial Motion to Dismiss as it pertains to Kenneth Wiley is moot. In all other respects, after a de novo review, the Report and Recommendation is **ADOPTED**.

Accordingly, the Partial Motion to Dismiss (Doc. No. 24) is **GRANTED IN PART** and **DENIED AS MOOT IN PART**. All official capacity claims for money damages against David Stehorn are **DISMISSED WITHOUT PREJUDICE** because he is a State employee, and the State is immune from suit. All claims for declaratory and injunctive relief are **DISMISSED AS MOOT** because Key is no longer housed at the Deberry Special Needs Facility. This case is **RETURNED** to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Waverly D. Crenshaw, Jr.

WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE

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