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

RANDALL TURNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 3:18-cv-00003**
	)	**Judge Aleta A. Trauger**
TONY PARKER et al.,	)	
	)	
Defendants.	)	

ORDER

Before the court are (1) the plaintiff's Objections (Doc. No. 107) to the magistrate judge's Order (Doc. No. 106) denying the plaintiff's Motion for Appointment of Counsel (Doc. No. 100); and (2) the plaintiff's Objections (Doc. No. 110) to the magistrate judge's Report and Recommendation ("R&R") (Doc. No. 109), recommending that the Motion to Dismiss (Doc. No. 98) filed by defendants Jonathan Lebo, Johnny Fitz, Charles Sweat, and Clayton Taylor be granted.

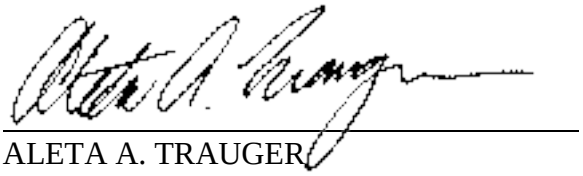
For the reasons set forth in the accompanying Memorandum, both sets of Objections (Doc. Nos. 107, 110) are **OVERRULED**. The non-dispositive Order denying the motion to appoint counsel stands undisturbed. Regarding the R&R, the court **ACCEPTS** the recommendation that the Motion to Dismiss be granted, albeit for slightly different reasons. The Motion to Dismiss (Doc. No. 98) is **GRANTED**, and the claims against defendants Lebo, Fitz, Sweat, and Taylor, construed as individual-capacity claims, are **DISMISSED WITH PREJUDICE**.

Claims against two defendants—Kavin Johnson, M.D. and Jeremy Cotham—remain pending in this case, though the docket does not reflect that Jeremy Cotham has ever been served

with process.[1] Trial is scheduled to begin April 28, 2020.

This case is returned to the magistrate judge for further handling under the original referral order.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge

[1] On September 24, 2018, the magistrate judge entered an Order (Doc. No. 56) granting the plaintiff's motion to file an amended complaint that added Jeremy B. Cotham as a defendant and directing "the Warden" to file a Notice with Cotham's address where he could be served with the Summons and Complaint. The Order further directed the Clerk to issue process on the Amended Complaint for defendant Cotham, once his address had been disclosed. (*Id.*) The State defendants, through counsel, filed a Notice with Cotham's address on November 8, 2018. (Doc. No. 65.) The plaintiff subsequently filed the operative Amended Complaint (Doc. No. 70), which incorporates his claims against Cotham for injunctive relief. In any event, the docket does not reflect that the Clerk issued a summons for this defendant or that he has ever been served.