


plaintiff's allegations as true, the court is unable to conclude that being unable to walk is a de minimis injury. Therefore, after careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, defendant's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendant's motion to dismiss is **GRANTED** with respect to the FTCA claim. The motion is **DENIED** with respect to the constitutional claim. A partial judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED this the **21** day of **July, 2009**.



Thad Heartfield
United States District Judge