

muscle, but plaintiff was subsequently diagnosed with kidney damage, which was likely caused by a pain medication plaintiff was taking. Plaintiff has not alleged any facts suggesting that defendant Martin was responsible for prescribing the medication that possibly caused plaintiff's kidney damage, or that defendant Martin's opinion as to the cause of plaintiff's pain affected plaintiff's diagnosis or treatment by medical providers who were qualified to make those determinations. Plaintiff has not shown that defendant Martin was deliberately indifferent to his serious medical needs. *Farmer v. Brennan*, 511 U.S. 825, 832 (1994). As a result, the Magistrate Judge correctly concluded that plaintiff failed to state a claim upon which relief may be granted as to defendant Martin.

ORDER

Accordingly, plaintiff's objections (document no. 29) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 26) is **ADOPTED**. Defendant Martin's motion to dismiss (document no. 16) is **GRANTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So Ordered and Signed

Jan 11, 2018



Ron Clark, United States District Judge