

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BILLY BURTON, JR.,

Plaintiff,

v.

CORPORAL SIMEON CROCKER, in his
individual capacity, PATROLMAN SEAN
CANNON, in his individual capacity,
CORPORAL BRANDON PAYNE, in his
individual capacity, CITY OF WILMINGTON,
DELAWARE, a Delaware municipal corporation,

Defendants.

C.A. No. 25-454-JLH-LDH

ORDER

At Wilmington this 10th day of February, 2026;

WHEREAS, Magistrate Judge Hatcher issued a Report & Recommendation on January 23, 2026 (D.I. 22, the “R&R”), recommending that the Court grant-in-part and deny-in-part Defendants’ Motion to Dismiss Plaintiffs’ Complaint (D.I. 12) and deny Plaintiff’s Motion to Strike Portions of Defendants’ Reply Brief in Support of Motion to Dismiss Plaintiff’s Amended Complaint (D.I. 19);

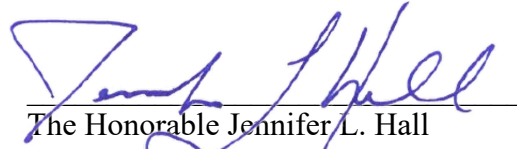
WHEREAS, no party filed objections to the R&R pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure in the prescribed period, and the Court finding no clear error on the face of the record;

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The R&R (D.I. 22) is ADOPTED.
2. Defendants’ Motion to Dismiss Plaintiff’s Complaint (D.I. 12) is GRANTED-IN-PART and DENIED-IN-PART:

- a. The motion is GRANTED as to Count V.
 - b. The motion is DENIED in all other respects.
3. Plaintiff's Motion to Strike Portions of Defendants' Reply Brief in Support of Motion to Dismiss Plaintiff's Amended Complaint (D.I. 19) is DENIED as moot.

Dated: February 10, 2026



The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE