

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

JASON A. GOODWIN,

Plaintiff,

v.

EISENBRAUN, *et al.*,

Defendants.

Civil Action No. 26-0472-GBW-EGT

ORDER

At Wilmington, Delaware, this 2nd day of October, 2026:

WHEREAS, on April 24, 2024, Plaintiff Jason A. Goodwin (“Plaintiff”), who is currently incarcerated, initiated the present action *pro se* by filing the Complaint (D.I. 3) and a Motion for Leave to Proceed *in forma pauperis* (D.I. 1);

WHEREAS, on April 29, 2026, the Court referred the present action “to Magistrate Judge Eleanor G. Tennyson to hear and resolve all pretrial matters, up to and including the resolution of case dispositive motions,” subject to 28 U.S.C. § 636(b) and any further Order of the Court (D.I. 5);

WHEREAS, on May 6, 2026, the Court granted Plaintiff’s Motion for Leave to Proceed *in forma pauperis* (D.I. 6);

WHEREAS, on August 21, 2026, Judge Tennyson issued a Report and Recommendation, in which Judge Tennyson screened the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(a) and recommended that (1) Plaintiff’s Eight Amendment excessive force and common law battery claims against Defendants Eisenbraun, Gregor and Marquise Moore in their individual capacities be allowed to proceed and (2) Plaintiff’s official capacity claims for money damages be

dismissed with prejudice, and (3) all of Plaintiff's remaining claims be dismissed without prejudice, (D.I. 8 at 13) ("the Report and Recommendation");

WHEREAS, Judge Tennyson further recommended that Plaintiff be given thirty (30) days from the date of the adoption of the Report and Recommendation to file an amended pleading or service shall proceed on the surviving claims (D.I. 8);

WHEREAS, objections to the Report and Recommendation were due on September 4, 2026 (D.I. 8); *see also* Fed. R. Civ. P. 72(b)(2); D. Del. LR 72(b);

WHEREAS, no objections have been filed as of September 30, 2026 (*see Goodwin v. Eisenbraun, et al.*, 26-472-GBW-EGT); and

WHEREAS, the Court has given the Report and Recommendation reasoned consideration and agrees with its conclusions for the reasons stated therein, *see Equal Emp. Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (district judges required to give reasoned consideration to report and recommendation of a magistrate judge to which no timely objections have been filed).

THEREFORE, IT IS HEREBY ORDERED that:

1. The Report and Recommendation (D.I. 8) is **ADOPTED**.
2. Plaintiff's official capacity claims for money damages are **DISMISSED** with prejudice.
3. Except for Plaintiff's Eight Amendment excessive force and common law battery claims against Defendants Eisenbraun, Gregor, and Moore, all of Plaintiff's remaining claims against all defendants in their individual capacities are **DISMISSED** without prejudice.

4. Plaintiff **SHALL FILE** an amended pleading within thirty (30) days of the date of entry of this Order, curing the deficiencies outlined by the Report and Recommendation, or service shall proceed on the surviving claims.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE