

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

FREDERICK FORD,

Plaintiff,

vs.

CYNTHIA STEWART, et al.,

Defendants.

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CIV. ACT. NO. 1:18-cv-0166-TFM-MU

MEMORANDUM OPINION AND ORDER

On October 20, 2020, the Magistrate Judge entered a report and recommendation which recommends Defendants' Motion for Summary Judgment be granted. *See* Doc. 50. Plaintiff timely filed objections and also attempts to supplement his complaint. *See* Docs. 51, 52. The Court has reviewed the report and recommendation, objections, and conducted a de novo review of the case file. For the reasons discussed below, the objections are **OVERRULED**, the attempt to supplement or amend the complaint is **DENIED**, and the Report and Recommendation is **ADOPTED**.

In Plaintiff's objections, he complains that the Magistrate Judge made a ruling without certain documents. *See* Doc. 51 at 2. However, Plaintiff had the opportunity to response to the motion for summary judgment and did so without including the information. *See* Doc. 49. In reviewing a magistrate judge's report and recommendation, the Court does not consider objections based on arguments not raised before the magistrate judge. *See Williams v. McNeil*, 557 F.3d 1287, 1292 (11th Cir. 2009).¹ Next, to the extent he complains about new conditions of confinement in the segregation unit of his current facility, those do not relate to his original complaint and are not

¹ Even the Court considered it, it would be overruled because nothing referenced in that particular objection overcomes the Magistrate Judge's well-reasoned analysis.

part of this lawsuit. *See* Doc. 51 at 6. Finally, to the extent Plaintiff attempts to amend his complaint post-briefing on the motion for summary judgment and the issuance of the Report and Recommendation, that request is **DENIED** and the supplement is not considered. To the extent it attempts to add new claims related to his new facility, the Court declines to consider those as part of this lawsuit. To the extent Plaintiff has new complaints, those would be the basis of a separate lawsuit. Though the Court cautions Plaintiff to carefully review his claims because of the implications of 28 U.S.C. § 1915(g) when he seeks to file a lawsuit *in forma pauperis*.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, it is **ORDERED** as follows:

- (1) Plaintiff's objections (Doc. 51) are **OVERRULED**;
- (2) The Report and Recommendation (Doc. 50) is **ADOPTED** as the opinion of the Court;
- (3) The Defendants' Motion for Summary Judgment (Doc. 48) is **GRANTED**;
- (4) Plaintiff's claims are **DISMISSED with prejudice**.

Final judgment shall issue separately in accordance with this order and Federal Rule of Civil Procedure 58.

DONE and **ORDERED** this 10th day of December, 2020.

/s/Terry F. Moorner
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE