

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

TIMOTHY COUNCIL, #210870,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:07-cv-0331-MEF
)	WO
DAVE SUTTON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The defendants' objections (Doc. #31) to the Recommendation of the Magistrate Judge filed on June 19, 2009 and the plaintiff's objections to the Recommendation of the Magistrate Judge (Doc. #32) filed on June 22, 2009 are OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. #30) entered on June 8, 2009 is ADOPTED;

3. The defendants' motion for summary judgment regarding the plaintiff's claims for monetary damages lodged against them in their official capacities is GRANTED as the defendants are entitled to absolute immunity for these claims.

4. The defendants' motion for summary judgment filed on behalf of Dave Sutton and Richard Moss with respect to the plaintiff's excessive force claims presented against these defendants in the remaining aspects of their official capacities and in all aspects of their

individual capacities is GRANTED.

5. The defendants' motion for summary judgment is GRANTED in favor of Dave Sutton and Glenn Shelton as to the plaintiff's claim of intimidation and derogation.

6. The defendants' motion for summary judgment regarding the plaintiff's excessive force claims against Glenn Shelton, Alston Redman and Neal Bradley in their official capacities for declaratory or injunctive relief and all aspects of their individual capacities is DENIED.

7. The Court will enter a scheduling order setting this case for trial on the plaintiff's surviving excessive force claims against Glenn Shelton, Alston Redman and Neal Bradley.

DONE this the 7th day of July, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE