

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

JEFFERY W. CALHOUN,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 1:07-cv-455-MEF
	)	WO
WILLIAM BANKS, <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 plaintiff's objection (Doc. #28) to the Recommendation of the Magistrate Judge filed on June 11, 2009 is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. #24) filed on May 28, 2009 is ADOPTED;

3. The defendants' motion for summary judgment on plaintiff's excessive force and deliberate indifference claims is DENIED.

4. The plaintiff's request for criminal prosecution of the defendants is DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

5. This case will be set for a bench trial on the plaintiff's claims that the defendants acted in violation of his constitutional rights regarding the use of excessive force and deliberate indifference to his medical needs.

DONE this the 22nd day of June, 2009.

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