

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

KENNETH W. DAVIDSON,)
274 925,)
Plaintiff,)
v.) CASE NO. 1:12-CV-687-WKW
WARDEN SHARON MCSWAIN-) [WO]
HOLLAND, *et al.*,)
Defendants.)

ORDER

On January 27, 2015, the Magistrate Judge filed a Recommendation in this case. (Doc. # 36.) On February 2, 2015, Plaintiff Kenneth W. Davidson filed objections. (Doc. # 37.) After an independent and *de novo* review of those portions of the Recommendation to which objection is made, Mr. Davidson's objections are due to be overruled and the Recommendation adopted. *See* 28 U.S.C. § 636(b).

Mr. Davidson objects to the Recommendation on the following five grounds: (1) By recommending the dismissal of his lawsuit, the Recommendation "send[s] the wrong messages to anyone trying to get fair and impartial treatment from any-one [sic] in the Dep[artment] of Corrections;" (2) Warden McSwain-Holland lied when she said that two white inmates were working laundry during an alleged incident of discrimination; (3) Chief Youngblood lied when he stated that Mr. Davidson showed up an hour late to the food line; (4) On August 16, 2012, Warden McSwain-Holland

threatened Mr. Davidson for filing this lawsuit; and (5) Warden McSwain-Holland and Chief Youngblood “have lied to this court and . . . to dismiss this suit would be a great injustice [sic] for anyone.” (Doc. # 37.)

Mr. Davidson’s objections fail to cure the deficiencies of his claims. Specifically, Mr. Davidson has failed to present any evidence, in his objections or otherwise, demonstrating that Defendants were motivated by a racially discriminatory purpose when engaging in the conduct complained of by Mr. Davidson. Even taking as true his allegations regarding the statements of Warden McSwain-Holland and Chief Youngblood, Mr. Davidson’s objections do not create a genuine dispute of material fact regarding his equal protection claim.

Accordingly, it is ORDERED as follows:

1. Mr. Davidson’s objection (Doc. # 37) is OVERRULED.
2. The Recommendation (Doc. # 36) is ADOPTED.
3. Mr. Davidson’s Motion to Dismiss Defendant Smith-James (Doc. # 18) is GRANTED, and Defendant Smith-James is DISMISSED with prejudice.

4. Defendants Sharon McSwain-Holland’s and Jesse Youngblood’s motion for summary judgment (Doc. # 15) is GRANTED.

5. This case is DISMISSED with prejudice.

A final judgment will be entered separately.

DONE this 12th day of February, 2015.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE