

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

DANIEL SCOTT BURDETTE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:08cv703-MHT
)	(WO)
SERGEANT SMITH, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On February 15, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent and de novo review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED as follows:

1. That the Recommendation of the Magistrate Judge (Doc. # 19) is ADOPTED;
2. That the motion for summary judgment (Doc. # 15) with respect to the claims against Warden Giles and Officer Daniels is GRANTED and Warden Giles and Officer Daniels are DISMISSED as defendants in this case; and
3. That said motion is DENIED as to the plaintiff's § 1983 excessive-force claim against Sergeant Smith and Officer Ross and said claim is REFERRED BACK to the Magistrate Judge for appropriate proceedings.

DONE, this the 21st day of March 2011.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE