

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

CHARLES GWATHNEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:09cv479-TMH
)	(WO)
WARDEN KELLER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court are the Recommendation of the Magistrate Judge entered on October 12, 2011 (Doc. No. 49), the objections to that Recommendation filed by Defendant Roger Warren (“Warren”) on October 26, 2011 (Doc. No. 52), the Supplemental Recommendation of the Magistrate Judge entered on November 16, 2011 (Doc. No. 54), and the objections to the Supplemental Recommendation filed by Warren on November 30, 2011 (Doc. No. 56).

After an independent evaluation and de novo review:

1. The court finds Warren’s objections to the Recommendation of October 12, 2011 (Doc. No. 52), to be meritorious to the extent indicated by the Magistrate Judge in the Supplemental Recommendation of November 16, 2011 (Doc. No. 54), and to that extent, Warren’s objections to the Recommendation of October 12, 2011 are SUSTAINED. In all other respects, the

court finds Warren's objections to the Recommendation of October 12, 2011 (Doc. No. 52), to be without merit, and they are hereby OVERRULED.

2. The court finds Warren's objections to the Supplemental Recommendation of November 16, 2011 (Doc. No. 56), to be without merit, and they are hereby OVERRULED.

To the extent indicated above, the court hereby adopts the Recommendation of the Magistrate Judge (Doc. No. 49) and the Supplemental Recommendation of the Magistrate Judge (Doc. No. 54). Accordingly, it is hereby

ORDERED that Defendant's Motion to Dismiss (Doc. No. 48) is DENIED.

DONE this the 12th day of December, 2011.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE