

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

ROBERT W. LUSTER,	)	
AIS # 162936,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 2:09cv832-TMH
	)	
KENNETH JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On April 30, 2012, the Magistrate Judge filed a Recommendation in this case.

(Doc. No. 27.) Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED that the Recommendation be and is hereby ADOPTED. It is further

ORDERED as follows:

- (1) Defendants’ motion for summary judgment (Doc. No. 10) with respect to Plaintiff’s constitutional claims for monetary damages lodged against them in their official capacities be GRANTED;
- (2) The motion for summary judgment (Doc. No. 10) filed on behalf of Defendants Jones, Giles, Nettles, Perkins, Hampton, Jackson, Johnson, Benton, and Bennett regarding Plaintiff’s claims against these defendants in the remaining aspects of their official capacities and in all aspects of their individual capacities be GRANTED;

- (3) The motion for summary judgment filed on behalf of Defendants Terry and Barber (Doc. No. 10) with respect to all claims contained in the complaint, with the exception of the July 7, 2009, excessive force claim lodged against Defendants Terry and Barber, be GRANTED;
- (4) The motion for summary judgment (Doc. No. 10) filed on behalf of Defendants Terry and Barber with regard to the July 7, 2009, excessive force claim lodged against these Defendants in their individual capacities be DENIED;
- (5) The motion for summary judgment filed on behalf of Defendant Griffin (Doc. No. 10) with respect to all claims contained in the complaint, with the exception of the July 7, 2009, failure to protect claim lodged against this Defendant in his individual capacity be DENIED; and
- (6) This case be set for an evidentiary hearing on the July 7, 2009 excessive force claim against Defendants Terry and Barber and on the July 7, 2009 failure to protect claim against Defendant Griffin.

Done this 1st day of June, 2012

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