

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

TYRE T. WATKINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:10cv286-MHT
)	(WO)
THOMAS BAILEY, et al.,)	
)	
Defendants.)	

TYRE T. WATKINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:10cv475-MHT
)	
THOMAS BAILEY, et al.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (doc. no. 62) is adopted.

(2) Pursuant to footnote 2 in the United States Magistrate Judge's recommendation (doc. no. 62), the name of defendant "Officer McKenzie" is corrected to be defendant "Christopher Kincey" on the docket sheet and in all pleadings.

(3) The motion for summary judgment (doc. no. 38) is granted to the extent that defendants Thomas Bailey, Lester Grimsley, Steven Canty, Christopher Kincey, Randy Daniels, Joseph Whitehead, and Larry Peavy have been sued in their official capacities.

(4) Judgment is entered in favor of defendants Bailey, Grimsley, Canty, Kincey, Daniels, Whitehead, and Peavy and against plaintiff Tyre T. Watkins to the extent these defendants have been sued in their official capacities, with plaintiff Watkins taking nothing to the extent he has sued these defendants in their official capacities.

(5) The motion for summary judgment (doc. no. 38) is denied to the extent that defendants Bailey, Canty, Kinsey, and Grimsley have been sued in their individual capacities on plaintiff Watkins's excessive-force claims.

(6) The motion for summary judgment (doc. no. 38) is denied to the extent defendants Kinsey, Grimsley, Whitehead, Daniels, and Peavy have been sued in their individual capacities on plaintiff Watkins's failure-to-protect claim.

(7) Plaintiff Watkins's excessive-force claims against defendants Bailey, Canty, Kinsey, and Grimsley in their individual capacities will go to trial.

(8) Plaintiff Watkins's failure-to-protect claim against defendants Kinsey, Grimsley, Whitehead, Daniels, and Peavy in their individual capacities will go to trial.

DONE, this the 29th day of November, 2012.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE