

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

MARK ALAN HIMMELBERGER,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:10cv611-MHT
	)	(WO)
WILLIAM J. THORNTON,	)	
	)	
Defendant.	)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit claiming that defendant acted with deliberate indifference to plaintiff's safety during the arrest by failing to provide plaintiff his cane or assistance in walking while plaintiff was handcuffed. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant's motion for summary judgment should be granted. There are no objections to the recommendation. After an independent and de novo review of the record,

the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 3rd day of September, 2013.

      /s/ Myron H. Thompson        
UNITED STATES DISTRICT JUDGE