

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

CHRISTOPHER MICHAEL SWISHER,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:10-cv-670-MEF
)	
WARDEN S. GILES, II, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On February 13, 2013, the Magistrate Judge filed a Recommendation (Doc. #27) in this case, to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the Court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. Plaintiff’s request for injunctive relief is DISMISSED as moot.
3. Defendants’ Motion for Summary Judgment (Doc. #15) with respect to Plaintiff’s claim for monetary damages lodged against them in their official capacities is GRANTED, as Defendants are entitled to absolute immunity from these claims.
4. The Motion for Summary Judgment filed on behalf of Defendants Giles and Baldwin (Doc. #15) is GRANTED.
5. The Motion for Summary Judgment filed on behalf of Defendants Lee, Wilson,

Holcey, and Griffin (Doc. #15) with respect to Plaintiff's July 3, 2010 excessive force claim lodged against these Defendants in all aspects of their individual capacities is DENIED.

6. This case will be set for non-jury trial by separate order.

DONE this the 7th day of March, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE