

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

MARQUS A. LEONARD,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:11-cv-185-MEF
)	
LEEPOSEY DANIELS, Warden, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On December 5, 2013, the Magistrate Judge filed a Recommendation (Doc. #38) 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. No. 19*) 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 Daniels, May, and Wilson (*Doc. No. 19*) with respect to Plaintiff's December 16, 2010, excessive force claim lodged against these defendants in all aspects of their individual capacities is DENIED;
5. The motion for summary judgment filed on behalf of Defendants May and Wilson

(*Doc. No. 19*) with respect to Plaintiff's December 16, 2010, failure to protect claim lodged against these defendants in all aspects of their individual capacities is DENIED; and

6. The motion for summary judgment filed on behalf of Defendant Daniels (*Doc. No. 19*) with respect to Plaintiff's December 16, 2010, failure to protect claim lodged against this defendant in all aspects of his individual capacity is GRANTED.

The Court will set this case for trial on Plaintiff's December 16, 2010, excessive force claim against Defendants Daniels, May, and Wilson, and on Plaintiff's December 16, 2010, failure to protect claim against Defendants May and Wilson.

DONE this the 13th day of January, 2014.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE