

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

|                        |   |                  |
|------------------------|---|------------------|
| DAVID LEE MAYO,        | ) |                  |
|                        | ) |                  |
| Plaintiff,             | ) |                  |
|                        | ) | CIVIL ACTION NO. |
| v.                     | ) | 2:11cv392-MHT    |
|                        | ) | (WO)             |
| ANTHONY ASKEW, 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. 80) is adopted.

(2) The defendants' motion for summary judgment (Doc. No. 28) is denied.

(3) The defendants' motion to dismiss (Doc. No. 28) is granted.

(4) This lawsuit is dismissed without prejudice.

It is further ORDERED that costs are taxed against plaintiff, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 29th day of September, 2014.

      /s/ Myron H. Thompson        
UNITED STATES DISTRICT JUDGE