

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

ANTHONY GOLSTON,)
)
 Plaintiff,)
)
 v.)
)
 MATTHEW ENFINGER, C.O. I,)
 and KERRY WILLIAMS,)
 Sergeant,)
)
 Defendants.)

CIVIL ACTION NO.
2:11cv946-MHT
(WO)

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff Anthony Golston, a state inmate, filed this lawsuit against two correctional officers, claiming that defendant Matthew Enfinger used excessive force against him and that defendant Kerry Williams urged Enfinger to beat him and failed to protect him from Enfinger. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge, after an evidentiary hearing on the merits, that judgment be granted in favor of the correctional officers on all claims. Golston has filed objections to the recommendation.

"Whenever any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.... As the use of the phrase *de novo* implies, the district court's consideration of the factual issue must be independent and based upon the record before the court...." LoConte v. Dugger, 847 F.2d 745, 750 (11th Cir. 1988) (citation omitted).

The court has conducted an independent and *de novo* review of the record, including a transcript of the proceedings. Based on this review, the court concludes that Golston's objections should be overruled and the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 12th day of May, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE