

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

ROBERT WITHERS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:12cv214-MHT
	)	(WO)
OFFICER KYLE HEARNS,	)	
et al.,	)	
	)	
Defendants.	)	

JUDGMENT

After an independent and de novo review of the record, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The recommendation of the magistrate judge (doc. no. 33), to which no objection has been filed, is adopted.

(2) Defendants Kyle Hearn, Christopher Moore, and Galen Mathis's motion for summary judgment (doc. no. 15) is granted in part and denied in part.

(3) Summary judgment is granted as to plaintiff Robert Withers's (a) request for monetary damages from

defendants Hearn, Moore, and Mathis in their official capacities as to all claims and (b) claim for deliberate indifference.

(4) Summary judgment is denied in all remaining respects as to plaintiff Withers's excessive-force claim against defendants Hearn, Moore, and Mathis.

(5) This case is referred back to the magistrate judge for an evidentiary hearing on the surviving aspects of this case.

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 not closed.

DONE, this the 13th day of February, 2015.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE