

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

DONNELL FLOURNOY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 2:12cv-286WHA
	)	
IRVIN HARRIS,	)	(WO)
	)	
Defendant.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #30, entered on March 2, 2015. There being no timely objection filed to the Recommendation, and after a review of the file, the Recommendation is ADOPTED, and it is hereby ORDERED as follows:

1. Defendant’s motion for summary judgment with respect to the claims for monetary damages lodged against him in his official capacities is GRANTED as Defendant is entitled to absolute immunity from these claims.

2. Defendant’s motion for summary judgment with respect to Plaintiff’s Eighth Amendment excessive force claim lodged against him in all aspects of his individual capacity is DENIED.

3. This case is set for a jury trial before the undersigned judge on Plaintiff’s excessive force claim against Defendant in his individual capacity during the term of court commencing November 16, 2015, with pretrial conference to be held on October 15, 2015, at a time to be set by later order.

DONE this 25th day of March, 2015.

/s/ \_\_\_\_\_ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE