

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

JIMMY POMA-PRATT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 2:12-cv-291-WHA
	)	
KIM THOMAS, Commissioner of ADOC,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

No objections having been filed to the Recommendation of the Magistrate Judge (Doc. #67), entered on December 8, 2014, the court ADOPTS the Recommendation, and it is hereby ORDERED as follows:

1. The Motion for Summary Judgment with respect to the claims against Defendant Thomas is GRANTED, and Defendant Thomas is DISMISSED as a Defendant.
2. The motions for summary judgment on Plaintiff’s claims seeking monetary damages from the Defendants Jeffery Temple, Darian Tucker, Michael Freeman and Frankie Brown in their official capacities is GRANTED on the basis of absolute immunity.
3. The motions for summary judgment of Defendants Jeffery Temple, Darian Tucker, Michael Freeman, and Frankie Brown in their individual capacities on Plaintiff’s § 1983 excessive force claim is DENIED.
4. The case is set for jury trial in Montgomery, Alabama, during the term of court commencing March 23, 2015.

5. This case is referred to the Magistrate Judge for the purpose of holding a pretrial hearing.

DONE this 15th day of January, 2015.

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