

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

DONALD C. O'HERN, #191045,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 2:12cv-697-WHA
	)	
DALLAS DIAZ, et al.,	)	(WO)
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #39), entered on August 10, 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. The Defendants' Motion for Summary Judgment is GRANTED.
2. Judgment is GRANTED in favor of the Defendants.
3. The federal claims are DISMISSED with prejudice.
4. The state law medical malpractice claims are DISMISSED without prejudice.
5. Costs are taxed against the Plaintiff.

DONE this 30th day of September, 2015.

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