

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

COREY MATTHEWS, # 168496,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:12-cv-870-WHA
)	
CLARENCE HAYMONS, DENNIS MEEKS,)	(WO)
PRESTON HUGHES, BILL BLUE, and)	
DAVID ANDERSON,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #90), entered on August 12, 2015, the Objection of Defendants (Doc. #91), and the Objection of the Plaintiff (Doc. #92). The court has conducted an independent evaluation and *de novo* review of the file in this case, and having done so, finds both objections to be without merit.

The Defendants Haymons and Blue, in their objection, merely provide a recitation of their version of the facts and argue that under this version, the disputed issue is merely “over the reasonableness of a particular use of force or the existence of arguably superior alternatives.” (Doc. #91, p.3). This objection is not well-taken, as the Defendants rely solely on their version of the facts to support this argument, whereas well-settled law requires that at this stage of the proceedings the court must view the facts in the light most favorable to the Plaintiff. In addition, the court agrees with the Magistrate Judge that, when viewing the facts most favorable to Matthews, “disputed issues of material fact exist regarding the need for the use of force, the

nature of the force used and whether the defendants acted ‘maliciously and sadistically’ to cause harm.” (Rec. at 15).

As to the Plaintiff’s objection, he merely sought the opportunity to file a response to a Supplemental Report filed by the Defendants addressing his excessive force/failure to protect claims. He was granted this opportunity by the Magistrate Judge and filed a response on September 4, 2015. The response has no impact on the findings set forth in the Recommendation, and the court finds his objection to be without merit.

For the reasons set out above, it is ORDERED as follows:

1. The objections of the Plaintiff and the Defendants are OVERRULED.
2. The court ADOPTS the Recommendation of the Magistrate Judge.
3. Defendants’ Motion for Summary Judgment with respect to the Plaintiff’s claims for monetary damages lodged against them in their official capacities is GRANTED, and these claims are DISMISSED with prejudice, as the Defendants are entitled to absolute immunity against monetary damages.
4. The Defendants’ Motion for Summary Judgment as to the Plaintiff’s claim for deliberate indifference to his medical needs is GRANTED, and this claim is DISMISSED with prejudice.
5. The Motion for Summary Judgment filed on behalf of the Defendants Dennis Meeks, Preston Hughes, and David Anderson with respect to the remaining claims presented against these Defendants in all aspects of their individual capacities is GRANTED.
6. The Motion for Summary Judgment filed on behalf of the Defendants Clarence Haymons and Bill Blue with respect to the Plaintiff’s excessive force and failure to protect claims lodged against them in their individual capacities is DENIED.

This case is referred back to the Magistrate Judge for an evidentiary hearing on the Plaintiff's surviving claims of excessive force and failure to protect lodged against Defendants Haymons and Bill Blue, to be followed by a Report and Recommendation.

DONE this 15th day of September, 2015.

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