

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

ERNEST A. ADKINS, AIS #189166, )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION NO. 2:13-CV-37-WHA  
 )  
 FRANK ALBRIGHT, WARDEN, in his )  
 individual capacity; ANDY FARGUHAR, in )  
 his individual capacity; and DAVID )  
 FREEMAN, in his individual capacity; )  
 )  
 Defendants. )

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #47) and the Plaintiff's Objection (Doc. #52).

Following an independent evaluation and *de novo* review of the file in this case, the court finds that the objection is without merit and is due to be overruled.

In the Recommendation, the Magistrate Judge addressed claims based on violations of the Occupational Safety and Health Act ("OSHA") and the Americans with Disabilities Act ("ADA"), a claim based on a job change, and a deliberate indifference claim. In his Objection, the Plaintiff clarifies that his allegation regarding OSHA was an example, that he does not bring an ADA claim, and that he is aware his job could change at any time. The Plaintiff does argue that he has established deliberate indifference. The evidence pointed to by the Plaintiff falls short of showing deliberate indifference to his health or safety because of knowledge of a substantial risk of serious harm. Accordingly, the objection is **OVERRULED**, and the court **ADOPTS** the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that the Defendants' Motion for Summary Judgment is GRANTED, and this case is DISMISSED with prejudice.

Done this 14th day of March, 2016.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE