

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

RAYMOND D. HASTINGS, #135351,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:13-cv-418-WHA
)	
KIM TOBIAS THOMAS, et al.,)	
)	
Defendants.)	

ORDER

No timely objection having been filed to the Recommendation of the Magistrate Judge (Doc. #89), entered on July 26, 2016, and after a review of the file, the court ADOPTS the Recommendation, and it is hereby ORDERED as follows:

1. The Defendants’ motion for summary judgment is GRANTED with respect to the Plaintiff’s claims for monetary damages lodged against them in their official capacities and these claims are DISMISSED with prejudice as the Defendants are entitled to absolute immunity from such relief.

2. The Defendants’ motion to dismiss is GRANTED to the extent the Defendants seek dismissal of the Plaintiff’s claims regarding his religious practices at Easterling Correctional Facility due to the Plaintiff’s failure to properly exhaust an administrative remedy previously available to him at this facility prior to initiating this cause of action.

3. The above referenced claims are DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the Plaintiff’s failure to properly exhaust

an administrative remedy previously available to him at Easterling prior to the filing of this case.

4. The Defendants' motion for summary judgment is GRANTED with respect to the Plaintiff's due process, retaliation and false information claims attacking the behavior citation, and these claims are DISMISSED with prejudice.

5. Kim Thomas, Gwendolyn Mosley, Kenneth Sconyers, Nathaniel Lawson and Anthony Askew are DISMISSED as parties.

6. The motion for summary judgment filed on behalf of Kenneth Drake is DENIED with respect to the Plaintiff's claim of excessive force lodged against him in his individual capacity.

7. All claims against Kenneth Drake, with the exception of the excessive force claim lodged against this Defendant in his individual capacity, are DISMISSED with prejudice.

8. No jury trial having been demanded, this case is referred back to the Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for an evidentiary hearing on the Plaintiff's surviving claim of excessive force lodged against Kenneth Drake in his individual capacity, to be followed by a Report and Recommendation.

DONE this 17th day of August, 2016.

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