

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

FREDRICK BENARD MOSLEY,	)	
AIS #233819,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:13-CV-450-MHT
	)	(WO)
	)	
SGT. DOMINIC JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER ON MOTION**

At the close of testimony presented by the plaintiff during the evidentiary hearing held in this case on November 3, 2016, counsel for the defendants made an oral motion for judgment as a matter of law on the basis of the plaintiff's failure to present evidence in support of the failure-to-protect claims lodged against the defendants, and subsequently renewed this motion. The court took these motions under advisement.

Upon consideration of the defendants' motion for judgment as a matter of law and their renewed motion for judgment as a matter of law, the court deems the requested action to be procedurally improper in as much as Federal Rule of Civil Procedure 50 provides an avenue for judgment as a matter of law only in the context of a jury trial. *See* Fed. R. Civ. P. 50(a)(1). It is therefore ORDERED that the oral motions are hereby DENIED.

DONE this 16th day of November, 2016.

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/s/ Gray M. Borden  
UNITED STATES MAGISTRATE JUDGE