

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

CLARENCE J. RUTLAND, )  
 )  
 Plaintiff, )  
 )  
 v. ) CASE NO. 2:13-CV-470-WKW  
 )  
 IKE HARRIS, )  
 )  
 Defendant. )

**ORDER**

On May 27, 2014, the Magistrate Judge filed a Recommendation in this case. (Doc. # 39.) On June 9, 2014, Plaintiff Clarence Rutland filed a document “[p]ursuant to Rule 60(b),” which the court construes as containing objections to the Recommendation. (Doc. # 40.) The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objections have been made. *See* 28 U.S.C. § 636(b)(1).

It is acknowledged that Mr. Rutland’s objections purport to introduce “newly discovered” allegations that he has suffered asbestos-related injuries while an inmate at Kilby Correctional Facility. (Doc. # 40, at 4.) Such a claim is not presently before the court. If Mr. Rutland wishes to raise a new claim against an appropriate defendant, he must do so by filing a new civil action.

Upon review of the Magistrate's Recommendation and Mr. Rutland's objections, it is ORDERED as follows:

1. Mr. Rutland's objections (Doc. # 40) are OVERRULED;
2. The Recommendation (Doc. # 39) is ADOPTED;
3. Defendant Ike Harris's motion to dismiss (Doc. # 35) is GRANTED;
4. Mr. Rutland's claims against Defendant Ike Harris are DISMISSED with prejudice;
5. Any outstanding motions are DENIED as moot.

A separate final judgment will be entered.

DONE this 17th day of June, 2014.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE