

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

FREDRICK BENARD MOSLEY, #233819,)
)
 Plaintiff,)
)
 vs.) CASE NO 2:13-cv-532-WHA
)
 KENNETH SCONYERS, et al.,) (WO)
)
 Defendants.)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #44), entered on August 10, 2016, together with the Objection filed by the Plaintiff on August 22, 2016.

The Magistrate Judge recommended that summary judgment be entered in favor of the Defendants as to all of the Plaintiff's claims for relief, including claims of excessive force in the taking of his fingerprints after he refused to allow them to be taken voluntarily and denial of needed medical treatment with deliberate indifference to his serious medical need.

The court has conducted an independent evaluation and de novo review of the file in this case, including the various exhibits and reviewing the DVD of the incident in question. Having done so, the court finds the objection to be without merit.

In his objection, the Plaintiff makes the allegation that at the end of the DVD, the nurse asked him if he wanted to sit down while she took his information, but did not contain a recording of the actual examination undertaken by the nurse. He then asserts that you can see on the DVD that the nurse advises him to sit down when he first arrives at the health care unit and

make the unsupported assertion that she did this because she knew he was in pain. The nurse makes no such statement to the Plaintiff. The DVD does not contain the actual examination by the nurse, but the Plaintiff's assertions in his objections do not undermine the finding in the Recommendation that the nurse did not act with deliberate indifference.

The court agrees with the thorough discussion and findings of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The Plaintiff's objections are OVERRULED.
2. The court ADOPTS the Recommendation of the Magistrate Judge.
3. The Defendants' Motions for Summary Judgment are GRANTED, and this case is DISMISSED with prejudice.

DONE this 30th day of August, 2016.

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