

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

CARLOS CAREY, #245045,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:13-CV-705-WKW
	)	[WO]
RENE MASON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 83.)

There being no timely objection filed to the Recommendation, and based on a review of the record, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. # 83) is ADOPTED;
2. Plaintiff's request for equitable relief (Doc. # 1) is DISMISSED as moot;
3. The motions to dismiss filed by Defendants Siddiq and Moore (Docs. # 23, 66) is GRANTED and the case is DISMISSED with prejudice against these defendants under 42 U.S.C. § 1997e(a) for Plaintiff's failure to exhaust his administrative remedies;

4. The motions for summary judgment filed by Defendants Thomas, Randolph, King, Mason, Jenkins, and Jackson (Docs. # 34, 65) are GRANTED;

5. Defendant Whitley's motion for summary judgment (Doc. # 34) regarding the claim for monetary damages lodged against him in his official capacity is GRANTED; and

6. Defendant Whitley's motion for summary judgment (Doc. # 34) regarding Plaintiff's Eighth Amendment excessive-force claim lodged against him in his individual capacity is DENIED.

DONE this 30th day of September, 2016.

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