

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

CLARK L. POSEY, JR., #266851,)	
)	
v.)	CASE NO. 2:13-CV-943-WKW
)	(WO)
KIM THOMAS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On January 28, 2016, the Magistrate Judge filed a Recommendation in this case to which no objections have been filed. (Doc. No. 77). Upon an independent review of the file and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that the Recommendation of the Magistrate Judge is ADOPTED.

It is further ORDERED that:

1. Plaintiff’s request for injunctive relief is DENIED as moot or without merit.
2. Defendants’ motion for summary judgment with respect to the claims for monetary damages lodged against them in their official capacities is GRANTED as all Defendants are entitled to absolute immunity from these claims.
3. The motion for summary filed on behalf of Defendants Thomas, Albright, Napier, Riley, and Nunn in their individual capacities is GRANTED.
4. The motion for summary judgment filed on behalf of Defendants Harris and Hamilton with respect to Plaintiff’s Eighth Amendment excessive force and failure to protect claims and his state law claims of assault, battery, and intentional infliction of

emotional distress lodged against Defendants Harris and Hamilton in their individual capacities is DENIED.

5. The motion for summary judgment filed on behalf of Defendants Harris and Hamilton regarding all claims contained in the complaint, with the exception of Plaintiff's Eighth Amendment excessive force and failure to protect claims and the state tort claims of assault, battery, and intentional infliction of emotional distress, in their individual capacities is GRANTED.

6. By separate Order, this case shall be set for a jury trial on Plaintiff's excessive force, failure to protect, assault, battery, and intentional infliction of emotional distress claims against Defendants Harris and Hamilton in their individual capacities.

DONE this 24th day of February, 2016.

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