

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

JOHN WILLIE MALONE, JR.,	)	
#292690,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:14cv318-MHT
	)	(WO)
MR. ROGER and PATRICK	)	
HAMPTON,	)	
	)	
Defendants.	)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, an inmate, filed this lawsuit against the defendant correctional officers alleging that they subjected him to verbal harassment and threats, as well as retaliation for making a complaint about harassment. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed. Also before the court are plaintiff's objections to the recommendation. After an independent

and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted.

The court notes that, in addition to his claim of harassment under the Eighth and Fourteenth Amendments, plaintiff appears to raise a First Amendment retaliation claim, for which he requests removal of a disciplinary citation from his record and transfer to another prison. See Douglas v. Yates, 535 F.3d 1316, 1321 (11th Cir. 2008) (setting forth requirements for a prisoner's First Amendment retaliation claim). However, as plaintiff lacks evidence sufficient to prove that the citation he received was motivated by retaliation, dismissal is appropriate.

An appropriate judgment will be entered.

DONE, this the 16th day of October, 2014.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE