

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

DANIEL K. THOMAS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:15cv375-MHT
)	(WO)
WARDEN P. BILLUPS and)	
COMMISSIONER JEFFERSON)	
DUNN,)	
)	
Defendants.)	

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The plaintiff's "notification" (doc. no. 13 at 5) is treated as both a motion for leave to amend and as an amendment to the complaint asserting that his being handcuffed and shackled while exercising at Limestone Correctional Facility violates the Eighth Amendment, and said motion is granted.

(2) The United States Magistrate Judge's recommendation (doc. no. 14) is adopted to the extent

that plaintiff's claims related to his time at Kilby Correctional Facility and against defendant Warden P. Billups are dismissed without prejudice as moot, and that defendant Billups is terminated as a party to this action.

(3) Plaintiff's motion to dismiss (doc. no. 13 at 4) his remaining claims unrelated to exercising in handcuffs and shackles is granted, and said claims are dismissed without prejudice.

(4) By January 26, 2017, plaintiff shall inform the court whether he wishes (1) to pursue his claim that being handcuffed and shackled while exercising violates the Eighth Amendment, and (2) whether he wishes to name a new defendant or defendants responsible for the challenged practices at the Limestone Correctional Facility. Unless plaintiff both informs the court that he wishes to pursue the claim by that date and moves to add an appropriate defendant or defendants, the case will be dismissed in its entirety without prejudice.

This case is not closed.

DONE, this the 5th day of January, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE