

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

JAMES R. DOWNES,)
AIS # 281824,)

Plaintiff,)

v.)

CASE NO. 2:15-CV-437-WKW
[WO]

CARTER DAVENPORT Warden;)

WARDEN CARTER; LT.)

WOODS; MRS. BLAKLEY, mail)

clerk; JEFFERSON S. DUNN;)

WALTER MYERS, Warden, in)

his official capacity; CAPT.)

CARGILL, in his official capacity;)

CAPTAIN LAWSON, in his)

official capacity,)

Defendants.)

ORDER

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 99.)

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

- (1) The Recommendation (Doc. # 99) is ADOPTED;
- (2) To the extent Plaintiff seeks declaratory and injunctive relief for the alleged violations of his constitutional rights, the motion to dismiss filed by defendants Myers, Cargill, and Lawson is DENIED;

(3) With respect to Plaintiff's request for monetary damages from Defendants Myers, Cargill, and Lawson, the motion to dismiss is GRANTED;

(4) The claims for monetary damages against Defendants Myers, Cargill and Lawson are DISMISSED with prejudice.

(5) This action, as to all remaining claims for relief, is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 25th day of September, 2017.

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