

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

CALVIN JOHNSON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:15cv508-MHT
)	(WO)
WARDEN DAVENPORT, et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit challenging the defendants' failure to protect him from assaults. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant Easterling Correctional Facility be dismissed from the case. 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 objection should be overruled and the magistrate judge's recommendation adopted. As the

magistrate judge properly found, a state prison cannot be sued under § 1983--instead, a plaintiff must proceed against the allegedly responsible prison officials and employees. The court expresses no opinion on plaintiff's statements in the objection about amending the complaint; those statements are not properly before the court at this time.

An appropriate judgment will be entered.

DONE, this the 11th day of September, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE