

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

SHELTON FOSTER, )  
                    )  
Plaintiff,        )  
                    )  
v.                ) CIVIL ACTION NO.  
                    )  
                    2:15cv786-MHT  
                    )  
                    (WO)  
DENNIS MEEKS, et al., )  
                    )  
Defendants.        )

OPINION

Pursuant to 42 U.S.C. § 1983 and Alabama law, plaintiff Shelton Foster, an inmate in the Covington County Jail, filed this lawsuit complaining of the denial of adequate medical care during his incarceration. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that the motion to dismiss filed by defendants Southern Health Partners and Diane Williams be granted and that their motion for summary judgment be denied as moot; that the motion to dismiss filed by defendants Dennis Meeks and Preston Hughes be denied and their motion for summary judgment be granted; that plaintiff Foster's state-law claims be dismissed without prejudice; that, to the extent he seeks a writ of

habeas corpus, said claim be dismissed without prejudice; that any other claims be dismissed with prejudice; and that costs be taxed against plaintiff Foster;. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendations should be adopted, with one clarification. As to Meeks and Hughes's motion for summary judgment, the court agrees that summary judgment should be granted, but does not adopt the reasoning on the magistrate judge. Instead, the court grants summary judgment because plaintiff Foster, who is represented by counsel and has failed to respond to the motion for summary judgment in any way, has not met his burden under Federal Rule of Civil Procedure 56 of showing with evidence that the defendants were deliberately indifferent to his serious medical needs.

An appropriate judgment will be entered.

DONE, this the 28th day of February, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE