

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

LEON LAMAR MCGHEE,)
)
 Plaintiff,)
)
 v.)
)
 WARDEN DERRICK CARTER,)
 et al.,)
)
 Defendants.)

CIVIL ACTION NO.
2:17cv415-MHT
(WO)

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit claiming that he was denied a mattress for almost two months, that the defendant warden failed to protect him from an assault by another inmate, and that the defendant medical providers delayed or denied him medical care for his injuries and other conditions. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment should be granted. 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 recommendation should be adopted, with one clarification. While the court agrees that summary judgment should be granted on the mattress claim, the court reaches that conclusion solely because the record does not show that the defendant warden was aware that plaintiff was denied a mattress.

An appropriate judgment will be entered.

DONE, this the 21st day of August, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE