

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

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|-------------------------|---|------------------|
| FERNANDO TARTT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | 2:19cv169-MHT |
| |) | (WO) |
| WALTER POSEY and JOSEPH |) | |
| HEADLEY, |) | |
| |) | |
| Defendants. |) | |

OPINION

Pursuant to 42 U.S.C. § 1983 and the First, Eighth, and Fourteenth Amendments, plaintiff, a state inmate, filed this lawsuit claiming that he was subjected to excessive force and retaliation, and that his due-process rights were violated in the disciplinary process. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted in part and denied in part. 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 as to the result, although the court does not adopt all of the reasoning in the recommendation.

An appropriate judgment will be entered, and the case will be set for a bench trial on the one remaining claim of excessive force against one of the defendants.

DONE, this the 28th day of December, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE