

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

RODNEY TOLBERT,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:19cv557-MHT
	)	(WO)
OFFICER SINGLETON, et al.,	)	
	)	
Defendants.	)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit claiming that the defendant correctional officers acted with deliberate indifference when they improperly allowed a 'close custody' inmate to enter an exercise yard unrestrained, where the inmate stabbed plaintiff, who was properly restrained in leg irons, handcuffs, and belly chains. 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 as to the result, though for somewhat different reasons. The court notes that defendants' affidavits explaining their version of what occurred are fairly conclusory and do a poor job of elucidating how the attacker--if he was in leg irons, handcuffs, and belly chains and if defendants had strip searched him, as at least one defendant claims--was able to stab plaintiff. See Defendants' Affidavits (Doc. 20-1, Doc. 20-2, Doc. 24-1, & Doc. 24-2). However, even disregarding defendants' conclusory affidavits, plaintiff has not submitted sufficient affirmative evidence for a reasonable factfinder to conclude that the defendants were deliberately indifferent rather than merely negligent.

An appropriate judgment will be entered.

DONE, this the 12th day of August, 2022.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE