

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

JAMES H. SHORTZ,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:14cv612-MHT
)	(WO)
RAY SMITH and)	
MICHELE KILDAY,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff filed this lawsuit asserting that defendants violated his First Amendment rights when they denied him the use of a meeting room in the Phenix City-Russell County Public Library, which he wanted to use to hold an event explaining the differences between Dr. Martin Luther King, Jr., and Robert E. Lee, whose birthdays were being commemorated on the same day by the library. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted, because plaintiff identifies no facts from

which the court could conclude that the denial of his request was, as he contends, based on the content of his proposed speech, and does not dispute defendants' assertion that he had been aggressive, loud, and disruptive in the library--behavior which would form (and defendants contend did in fact form) a constitutionally legitimate basis for the library's decision to deny him the use of the room. 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 objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 30th day of December, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE