

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|------------------|---|--------------------------------|
| JAMES E. HOLMES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. 1:13-cv-00012-JHH-TMP |
| |) | |
| CO FINK, et. al, |) | |
| |) | |
| Defendants. |) | |

ORDER

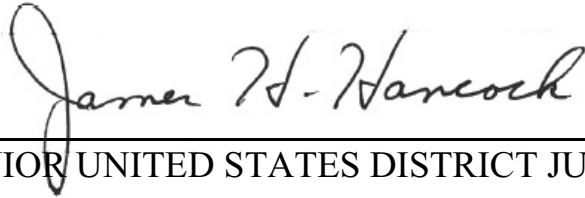
The magistrate judge filed a report and recommendation on November 21, 2013, recommending that plaintiff's claims against Captain Gilmoure, SIS Bounds, SIA Investigating Officer, Nurse Hardy, Warden Putman and Warden Ritman be dismissed for failing to state a claim. It was further recommended that plaintiff's excessive force claim against Officer Fink be referred to the undersigned for further proceedings. No objections have been filed by any party¹.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that the plaintiff's claims against Captain Gilmoure, SIS Bounds, SIA Investigating Officer, Nurse Hardy, Warden Putman and Warden Ritman are DISMISSED pursuant to 28 U.S.C. § 1915A(b).

¹ The plaintiff filed a response to the Report and Recommendation, in which he explained why he believed Nurse Hardy was somewhat at fault, but stated that he respected the decision of the magistrate judge, and had no objections. (Doc. 13).

It is further ORDERED that the plaintiff's excessive force claim against Officer Fink is REFERRED to the magistrate judge for further proceedings.

DONE this the 27th day of January, 2014.

A handwritten signature in cursive script that reads "James H. Hancock". The signature is written in black ink and is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE