

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

| | | |
|------------------------------|---|---------------------------|
| MICHAEL WILLIAMS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 2:10-cv-0442-LSC |
| |) | |
| JAMES V. WASHINGTON, et al., |) | |
| |) | |
| Defendants. |) | |

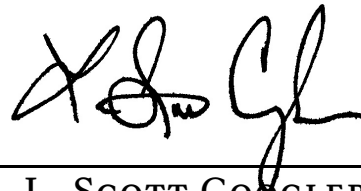
MEMORANDUM OF OPINION

On August 7, 2012, the magistrate judge conducted an evidentiary hearing with respect to the plaintiff’s Eighth Amendment excessive force and failure to protect claims against Defendants Washington, Oden, and Keys. On August 8, 2012, the magistrate judge filed a report and recommendation, which included findings of fact and conclusions of law. (Doc. 29.) The magistrate judge recommended that final judgment be entered against the plaintiff and in favor of the defendants. *Id.* No objections have been filed by either party.

Having carefully reviewed and considered *de novo* the entire record, including the report and recommendation, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and the recommendation is ACCEPTED. The Court EXPRESSLY FINDS that Defendants Washington and

Oden are entitled to judgment as a matter of law in their individual capacities on plaintiff's Eighth Amendment excessive force claims. The Court also EXPRESSLY FINDS that Defendant Keyes is entitled to judgment as a matter of law in her individual capacity on plaintiff's Eighth Amendment failure to protect claim. Wherefore, as plaintiff's claims against the defendants in their official capacities have been dismissed previously, this entire action is now due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

Done this 3rd day of October 2012.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
[160704]