

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

<b>TIMOTHY JEROME JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:10-CV-2836-VEH</b>
	)	
<b>BIRMINGHAM, CITY OF, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION;  
GRANTING SUMMARY JUDGMENT**

Now pending before the court is the Motion for Summary Judgment (“MSJ”) (doc. 20), filed by the Defendants, the City of Birmingham and Christopher Hutchinson (collectively, “Defendants”). Plaintiff, Timothy Jerome Johnson (“Johnson”) has opposed the MSJ. (Opposition, doc. 25). Defendants have filed a reply brief. (Response, doc. 27). On June 22, 2012, Chief Magistrate Judge Paul W. Greene entered his Report and Recommendation (“R&R”) (doc. 30), recommending that the MSJ be granted and all of Johnson’s claims be dismissed.<sup>1</sup> In the R&R, Judge Greene specifically advised the parties that

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b)(2), FED. R. CIV.

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<sup>1</sup> Also on June 22, 2012, this case was reassigned to the undersigned judge. (Order Reassigning Case, doc. 31.).

P., any party may file specific written objections to this report and recommendation within fifteen (15) days from [June 22, 2012]. Failure to file written objections to the proposed findings and recommendations contained in this report and recommendation within fifteen (15) days from the date it is filed shall bar an aggrieved party from attacking the factual findings on appeal. Written objections shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection. A copy of the objections must be served upon all other parties to the action.

(R&R, doc. 30, p. 12.).

No objections were filed and the time to file objections has passed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

**DONE** and **ORDERED** this the 11th day of July, 2012.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge