

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

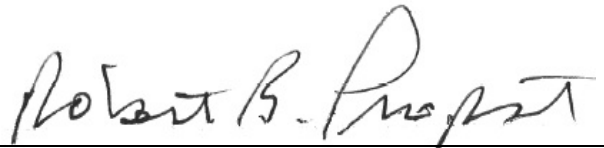
CARL EDWARD PURYEAR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:11-cv-02600-RBP-JEO
)	
OFFICER BRANDON SHANE MUNDY,)	
)	
Defendant.)	

MEMORANDUM OF OPINION AND ORDER

The magistrate judge filed a report on August 30, 2013, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be denied. Although the parties were advised of their right to file specific written objections within fourteen days, there has been no response to the report and recommendation.

Having carefully reviewed and considered *de novo* the report and recommendation of the magistrate judge, the Court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, it is **ORDERED** that the defendant's motion for summary judgment is **DENIED**. This matter is **REFERRED** to the magistrate judge for further proceedings.

DONE, this the 26th day of September, 2013.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE