

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


MITCHELL MARBURY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:11-cv-03652-VEH-RRA
)	
CHRISTOPHER YOUNG)	
SAMUEL SNELSON, and)	
RODERICK GADSON,)	
)	
Defendants.)	

MEMORANDUM OF OPINION AND ORDER

The magistrate judge filed a report May 23, 2013, recommending that the defendants' 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 fifteen days, there has been no response to the report and recommendation.

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 hereby is **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, it is **ORDERED** that the defendants' motion for summary judgment is **DENIED**. This matter is **REFERRED** to the magistrate judge for further proceedings.

DONE this the 13th day of June, 2013.



VIRGINIA EMERSON HOPKINS
 United States District Judge