

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

NAKIA ECHOLS,)	
)	
Plaintiff,)	
)	
v.)	2:12-cv-01718-VEH-HGD
)	
CHERYL PRICE, et al.,)	
)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

No party having responded to the magistrate judge's findings and recommendation, the court, having considered the findings and recommendation, and having reviewed the entire file, concludes that the magistrate judge's findings and recommendation are correct. Accordingly, the findings and recommendation are **ADOPTED** as the opinion of the court. It is **EXPRESSLY DETERMINED** that, pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), the excessive force and failure to protect claims against Warden Cheryl Price, Warden Gary Hetzel, Deputy Warden Chris Gordy, and CO Brian Robinson, and any claims against CO Joseph Newman in his official capacity are due to be, and are, **DISMISSED WITH PREJUDICE**.

Further, the excessive force claim against CO Joseph Newman, in his individual capacity, is **REFERRED** to U.S. Magistrate Judge Harwell G. Davis, III for further

proceedings.

DONE and **ORDERED** this the 19th day of November, 2013.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

VIRGINIA EMERSON HOPKINS
United States District Judge