

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

RICARDO POOLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:13-cv-1265-JHH-JEO
	)	
VICTORRUS FELDER,	)	
	)	
Defendant.	)	

**MEMORANDUM OF OPINION AND ORDER**

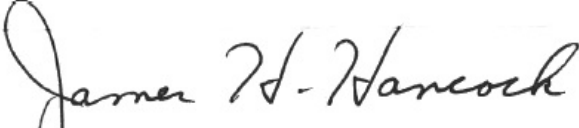
The magistrate judge filed a report on May 18, 2015, recommending that the defendant’s special report be treated as a motion for summary judgment and, as such, that it be denied. Although the parties were advised of their right to file specific written objections within fourteen days, there has been no response to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report (doc. 33) is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, it is **ORDERED** that the defendant’s motion for summary judgment (doc. 31) is **DENIED**. This matter is **REFERRED** to the magistrate judge for further proceedings.

The Clerk is **DIRECTED** to serve a copy of this order upon the plaintiff and

upon counsel for the defendant.

**DONE** this the 10th day of June, 2015.

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SENIOR UNITED STATES DISTRICT JUDGE