

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

**JULIO C. MARQUEZ,**

**Plaintiff,**

**v.**

**WARDEN PRICE, et. al.,**

**Defendants.**

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**Case No.: 2:13-cv-01714-RDP-JEO**

**MEMORANDUM OPINION**

On July 28, 2015, the Magistrate Judge’s Report and Recommendation (Doc. # 17) was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendations of the Magistrate Judge: (1) that the failure to protect claim against Defendant Campbell and all claims against Defendants Price, Hicks, Taylor, Felton, Giddy, Davis, Jenkins, and Moore be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2); and (2) that the excessive force claim against Defendant Gaines be referred to the Magistrate Judge for further proceedings.

A separate order in accordance with this Memorandum Opinion will be entered.

**DONE** and **ORDERED** this August 21, 2015.



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE