

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

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| JULIO C. MARQUEZ, | } | |
| | } | |
| Plaintiff, | } | |
| | } | |
| v. | } | Case No.: 2:13-cv-01714-RDP-JEO |
| | } | |
| WARDEN PRICE, et. al., | } | |
| | } | |
| Defendants. | } | |

AMENDED 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 and deliberate indifference to serious medical need claims against Defendant Campbell and all claims against Defendants Campbell¹, Price, Hicks, Miree, 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.

¹ Although discussed in the body of the Report and Recommendation entered on July 28, 2015, the report did not specifically recommend the dismissal of the claim of deliberate indifference to serious medical needs against defendant Campbell, or the claims against defendant Miree; therefore, this court’s prior Memorandum Opinion and Order did not address the claims against Campbell and Miree either.

DONE and **ORDERED** this August 26, 2015.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE