

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

JULIO C. MARQUEZ,)
AIS #229709)
)
Plaintiff,)
)
v.)
)
WARDEN PRICE, et al.,)
)
Defendants.)

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

ORDER


The Magistrate Judge filed a Report and Recommendation on January 29, 2016, recommending that Defendant Raymond L. Gaines’s motion for summary judgment (Doc. 32), on the sole remaining claim in this case (excessive force) be denied.¹ Although the parties were notified of their right to file objections within fourteen (14) days of the entry date of the Report and Recommendation, the court has not received objections from either of the parties.

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 is hereby **ADOPTED** and the Magistrate Judge’s recommendation is **ACCEPTED**. The court therefore **ORDERS** Defendant Gaines’s motion for summary judgment (Doc. 32) is **DENIED**.

The remaining claim against Defendant Gaines is **REFERRED** to the Magistrate Judge for further proceedings.

¹ All other defendants were dismissed by court order of August 27, 2015. (Doc. 22).

DONE and **ORDERED** this February 26, 2016.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE