

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

<b>EUGENE SIMPSON,</b>	)	
<b>    AIS #111943</b>	)	
	)	
<b>        Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:14-cv-01593-RDP-JHE</b>
	)	
<b>NURSE CLAYBO, et al.,</b>	)	
	)	
<b>        Defendants.</b>	)	

**ORDER**


The Magistrate Judge filed a Report and Recommendation on January 28, 2016, recommending that Plaintiff’s claims against Defendant Cheryl Price in her official capacity be dismissed with prejudice. (Doc. 20). The Magistrate Judge further recommended that Defendant’s motion for summary judgment in her individual capacity and Defendants Claybo, Rottman, and Head’s motion for summary judgment as to Plaintiff’s claims against these defendants be denied and referred to the Magistrate Judge for further proceedings. (*Id.*). 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 any 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 **EXPLICITLY FINDS** no genuine issues of material fact remain as to Defendant Cheryl Price in her official capacity and therefore **ORDERS** that Defendant Cheryl Price’s motion for summary judgment (Doc. 12) is

**GRANTED** as to the claims against her in her official capacity. The court **FURTHER ORDERS** that said motion for summary judgment (Doc. 12) is **DENIED** as to the claims against Defendant Price in her individual capacity.

Defendants Claybo, Head and Rottman's motion for summary judgment (Doc. 14) is **DENIED**. The remaining claims against these defendants are referred to the Magistrate Judge for further proceedings.

**DONE** and **ORDERED** this February 18, 2016.

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