

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

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|----------------------------|---|--------------------------------|
| THOMAS BRADLEY BROWN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 2:15-cv-01126-LSC-JEO |
| |) | |
| OFFICER J. SMITH, WARDEN |) | |
| CHERYL PRICE, WARDEN |) | |
| ANGELA MIREE, DR. ROY |) | |
| RODDAM, and CORIZON HEALTH |) | |
| SERVICES, |) | |
| |) | |
| Defendants. |) | |

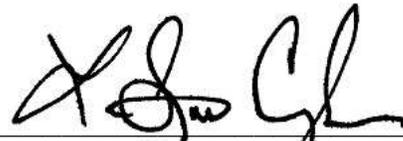
MEMORANDUM OPINION

The magistrate judge filed a report on October 17, 2016, recommending defendants ADOC, Price, Miree, and Smith's motion for summary judgment on the plaintiff's Eighth Amendment excessive force and supervisory liability claims be granted and the claims be dismissed with prejudice. (Doc. 40). The magistrate judge further recommended that defendants Corizon and Roddam's motion for summary judgment on the plaintiff's Eighth Amendment medical claims be treated as a motion to dismiss for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a) and the motion be granted and the claims be dismissed without prejudice (*Id.*). Although the parties were advised of their right to file specific

written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the court **ORDERS** that defendants ADOC, Price, Miree, and Smith's motion for summary judgment on the plaintiff's Eighth Amendment excessive force and supervisory liability claims is due to be **GRANTED**, the court finding no genuine issues of material fact exists. The court further **ORDERS** that defendants Corizon and Roddam's motion for summary judgment on the plaintiff's Eighth Amendment medical claims be treated as a motion to dismiss for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a) and the motion is due to be **GRANTED**.

DONE AND ORDERED ON NOVEMBER 15, 2016.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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