

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


RODNEY ODEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:15-cv-01227-KOB-TMP
)	
WARDEN CHERYL PRICE, et al.,)	
)	
Defendants.)	

ORDER

The magistrate judge filed a report and recommendation on February 16, 2016, recommending that the plaintiff's supervisory liability claims against defendants Price and Specks be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. (Doc. 6). The magistrate judge further recommended that the plaintiff's Eighth Amendment excessive force claim against defendant Cunningham and the plaintiff's Eighth Amendment failure to protect claims against defendants Murphy and Johnson be referred to the magistrate judge for further proceedings. (*Id.*). The plaintiff has not filed objections to the report and recommendation.

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 **ORDERS** that the plaintiff's supervisory liability claims against defendants Price and Specks are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. The court further **ORDERS** that the plaintiff's Eighth Amendment excessive force claim against defendant Cunningham and the plaintiff's Eighth Amendment failure to protect claims against defendants Murphy and Johnson are **REFERRED** to the magistrate judge for further proceedings.

DONE and ORDERED this 11th day of March, 2016.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE