

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

CHARLES SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:17-cv-01142-ACA-JHE
)	
COS1 CARL SANDERS,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

The magistrate judge filed a report on December 21, 2018, recommending the defendant's special report be treated as a motion for summary judgment and further recommending that the motion be denied. (Doc. 50). The magistrate judge additionally recommended the plaintiff's cross-motion for summary judgment be denied. (*Id.*). Although the parties were advised of their right to file specific written objections within fourteen days, the court has received no objections.

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 the motions for

summary judgment filed by defendant Sanders and the plaintiff are **DENIED**.

This matter is **REFERRED** to the magistrate judge for further proceedings.

DONE and **ORDERED** this January 23, 2019.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE