

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

| | | |
|------------------------------|---|------------------------------|
| WILLIE FRANK SIMMONS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action Number: |
| |) | 2:17-cv-01899-AKK-SGC |
| LEON BOLLING, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION AND ORDER

The magistrate judge entered a report on January 8, 2019, recommending the defendants’ motion for summary judgment be granted in part and denied in part. Doc. 23. Specifically, the report recommended summary judgment be: (1) denied on the individual capacity claim against defendant Jenkins for excessive force as it relates to the alleged conduct after the plaintiff exited his cell on August 1, 2017; and (2) granted as to all other claims. *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 **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the court **ORDERS** that the defendants’ motion for summary judgment is **DENIED** on the

individual capacity claim against defendant Jenkins for excessive force as it relates to the alleged conduct after the plaintiff exited his cell on August 1, 2017. Finding no genuine issue of material fact and that the defendants are entitled to judgment as a matter of law as to the other claims, the court **FURTHER ORDERS** that the defendants' motion for summary judgment is **GRANTED** in all other respects.

The Clerk is **DIRECTED** to **TERM** documents 21 and 23. The Clerk is **FURTHER DIRECTED** to serve a copy of this memorandum opinion and order on the plaintiff.

DONE the 31st day of January, 2019.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE