

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

STANLEY BRENT CHATMAN,)
)
 Plaintiff,)
)
v.)
)
COI KENNEDY D. ROY, et al.,)
)
 Defendants.)

Civil Action Number
2:17-cv-01952-AKK-SGC

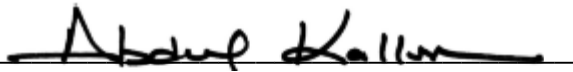
MEMORANDUM OPINION AND ORDER

The magistrate judge entered a report on August 28, 2019, recommending the Defendants’ motion for summary judgment be granted in part and denied in part. Doc. 27. The magistrate judge recommended the motion be granted with respect to Stanley Brent Chatman’s (1) Fourteenth Amendment excessive force claims against Officer Kennedy Roy and Lieutenant Mohammad Jenkins, (2) Eighth Amendment excessive force claims based on allegations Roy sprayed a fire extinguisher into Chatman’s cell and Jenkins used Sabre Red Cell buster, and (3) any constitutional claim based on Roy’s refusal to allow Chatman to use the phone. *Id.* at 17. The magistrate judge recommended the motion be denied with respect to Chatman’s Eighth Amendment excessive force claims regarding Roy allegedly spraying Chatman in the face with a fire extinguisher and Jenkins allegedly slapping Chatman and spraying him with a chemical agent in the hallway. *Id.* at 17-18. 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 recommendations are **ACCEPTED**. Accordingly, the court **ORDERS** that the Defendants' motion for summary judgment is **GRANTED** with respect to (1) the Fourteenth Amendment excessive force claims against Roy and Jenkins, (2) the Eighth Amendment excessive force claims based on allegations Roy sprayed Chatman's cell with a fire extinguisher and Jenkins used Sabre Red Cell buster, and (3) any constitutional claim based on Roy's refusal to allow Chatman to use the phone. These claims are **DISMISSED WITH PREJUDICE**. The Defendants' motion for summary judgment is **DENIED** with respect to the Eighth Amendment excessive force claims based on Roy's alleged use of a fire extinguisher to spray Chatman in the face and Jenkins' alleged assault on Chatman in the hallway by slapping him and spraying a chemical agent in his face. These claims are **REFERRED** to the magistrate judge for further proceedings.

DONE the 23rd day of September, 2019.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE