

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

ALBERT LEE DAVIS,)	
)	
Plaintiff,)	
)	Case No.: 2:18-cv-2100-MHH-GMB
v.)	
)	
CORIZON HEALTH INC., et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Albert Lee Davis asserts claims against the defendants for excessive force and deliberate indifference. (Doc. 1). On August 26, 2019, pursuant to 28 U.S.C. § 1915A(b)(1), the magistrate judge entered a report in which he recommended that the Court dismiss Ms. Davis’s claims against the Alabama Department of Corrections, Bibb Correctional Facility, and Corizon Health, Inc. without prejudice for failing to state a claim upon which relief can be granted. (Doc. 9). The magistrate judge recommended that the undersigned return Mr. Davis’s Eighth Amendment excessive force claim against defendant Melton and Mr. Davis’s Eighth Amendment deliberate indifference claim against defendants Hutton, Wilson, Sealy, and Walker to him (the magistrate judge) for further proceedings. (Doc. 9). The magistrate judge advised Mr. Davis of his right to file specific written objections to the report within 14 days; the Court has not received objections.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Having reviewed and considered the materials in the record, the Court adopts the magistrate judge’s report and accepts his recommendation. Pursuant to 28 U.S.C. § 1915A(b)(1), the Court dismisses without prejudice Ms. Davis’s claims against the ADOC, Bibb Correctional Facility, and Corizon. The Court refers Mr. Davis’s Eighth Amendment excessive force claim against defendant Melton and his (Mr. Davis’s) Eighth Amendment deliberate indifference claim against defendants Hutton, Wilson, Sealy, and Walker to the magistrate judge for further proceedings.

DONE and **ORDERED** this 10th day of October, 2019.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE