

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

DEMARCUS VIDAL COLEMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:19-cv-00899-LSC-SGC
)	
ZACKERY McLEMORE, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

The magistrate judge entered a report and recommendation on August 24, 2020. (Doc. 31). The report, which construed the defendants' special report as a motion for summary judgment, recommended the motion be granted in part and denied in part. (*Id.*). Specifically, the magistrate judge recommended the motion be granted as to the plaintiff's claims: (1) against the Alabama Department of Corrections; and (2) concerning the denial or delay of medical and mental health care. (*Id.*). The magistrate judge further recommended the motion be denied as to the plaintiff's Eighth Amendment excessive force claims against the correctional officer defendants in their individual capacities. (*Id.*). Although the report and recommendation advised the parties of their rights to file specific written objections within fourteen days, neither party has objected.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Accordingly, the defendants' motion for summary judgment is: (1) **GRANTED** as to the plaintiff's claims against the Alabama Department of Corrections and claims concerning the denial or delay of medical and mental health care; and (2) **DENIED** as to the remaining claims. This matter is **REFERRED** to the magistrate judge for further proceedings.

DONE and **ORDERED** on September 30, 2020.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', is written above a horizontal line.

L. Scott Coddler
United States District Judge

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