

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

|                          |   |                                |
|--------------------------|---|--------------------------------|
| DEMETRIUS CAREY,         | ) |                                |
|                          | ) |                                |
| Plaintiff,               | ) |                                |
|                          | ) |                                |
| v.                       | ) | Case No. 2:19-cv-01636-LSC-SGC |
|                          | ) |                                |
| CORBIN TUNSTALL, et al., | ) |                                |
|                          | ) |                                |
| Defendants.              | ) |                                |

**MEMORANDUM OPINION AND ORDER**

The magistrate judge entered a report and recommendation on June 10, 2021, recommending the defendants’ special report be treated as a motion for summary judgment and further recommending that the motion be granted on all claims against all defendants, except the plaintiff’s claim for excessive force against defendant Tunstall. (Doc. 27 at 20-21). Although the parties were advised of their right to file specific written objections within 14 days, that time has expired with 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 court hereby **ADOPTS** the magistrate judge’s report and **ACCEPTS** the recommendation. Accordingly, the court **ORDERS** that the defendants’ motion for summary judgment (Doc. 24) is **GRANTED** as to the plaintiff’s claims against defendants Wheat, Fassl, and Tytell,

the court finding no genuine issues of material fact exist. The court further **ORDERS** that the defendants' motion for summary judgment is **DENIED** as to the plaintiff's claim for excessive force against defendant Tunstall, and this remaining claim is **REFERRED** to the magistrate judge for further proceedings.

**DONE** and **ORDERED** on July 15, 2021.

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

L. Scott Codgler  
United States District Judge

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