

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

DAVID BOY FULLER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-cv-03957-CLS-TMP
)	
NURSE WHEAT, et al.,)	
)	
Defendants.)	

ORDER

The magistrate judge filed a report and recommendation on November 12, 2013, recommending that the following claims be dismissed for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1): (1) plaintiff’s claims against the Alabama Department of Corrections and St. Clair Correctional Facility; (2) plaintiff’s claims against defendants in their official capacities for monetary relief; (3) plaintiff’s claims against Nurses Marcano, Nurse Henry, and Officer Cornelison; (4) plaintiff’s Eighth Amendment medical care claims against Corizon, Inc.; (5) plaintiff’s Fourteenth Amendment due process claim against Lisa Tucker; (6) plaintiff’s Fourteenth Amendment due process and equal protection claims; (7) plaintiff’s conspiracy claims; and (8) plaintiff’s ADA claims.¹

¹ Doc. no. 19.

The magistrate judge further recommended that plaintiff's Eighth Amendment medical care and/or his retaliation claims against Dr. Pavlakovic, Nurses Wheat, Webb, Phillips, Shankle, Butler, Boatwright, Battle, Kleener, and Russell and Officers Sanders, McDowell, Heflin, Zuspan, Massey, Bell, Marcano, and Hamer be referred to the magistrate for further proceedings. *Id.* No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of plaintiff's claims in this action except his Eighth Amendment medical care and/or his retaliation claims against Dr. Pavlakovic, Nurses Wheat, Webb, Phillips, Shankle, Butler, Boatwright, Battle, Kleener, and Russell and Officers Sanders, McDowell, Heflin, Zuspan, Massey, Bell, Marcano, and Hamer are DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1). It is further ORDERED that plaintiff's Eighth Amendment medical care and/or his retaliation claims against Dr. Pavlakovic, Nurses Wheat, Webb, Phillips, Shankle, Butler, Boatwright, Battle, Kleener, and Russell and Officers Sanders, McDowell, Heflin, Zuspan, Massey, Bell, Marcano, and Hamer are REFERRED to the magistrate judge for further proceedings.

DONE and ORDERED this 4th day of August, 2014.


United States District Judge