

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

DARRIOUS MABRY, )  
)  
Plaintiff, )  
)  
v. )  
)  
MATTHEW MOORE, et al., )  
)  
Defendants. )

Case No. 4:13-cv-00199-KOB-HGD

**PARTIAL DISMISSAL ORDER**

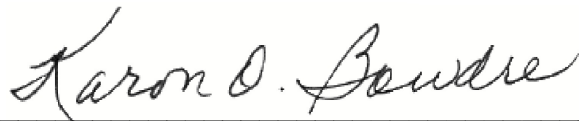
The magistrate judge filed a report and recommendation on October 24, 2013, recommending that the court dismiss the plaintiff’s false disciplinary/conspiracy claims against COI Moore . (Doc. 10). The magistrate judge also recommended that the court refer the plaintiff’s excessive force claims against COI Moore and Warden Davenport to the magistrate judge for further proceedings. No party has filed any objections.

The court has 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 his recommendations. The court finds that the plaintiff’s false disciplinary/conspiracy claims against COI Moore fail to evoke

the protections of the Due Process Clause and are due to be dismissed with prejudice pursuant to 28 U.S.C. § 1915A. Moreover, the court finds that the facts pled by the plaintiff are sufficient to require a further response from defendants Moore and Davenport.

Therefore, the court **DISMISSES WITH PREJUDICE** the plaintiff's false disciplinary/conspiracy claims against COI Moore pursuant to 28 U.S.C. § 1915A(b) and/or (2). The court further **ORDERS** that the excessive force claims against COI Moore and Warden Davenport are **REFERRED** to the magistrate judge for further proceedings.

**DONE and ORDERED** this 30th day of December, 2013.



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**KARON OWEN BOWDRE**  
**CHIEF UNITED STATES DISTRICT JUDGE**