

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

JOSEPH ANTHONY DANIEL,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT HASSELL,)
)
 Defendant.)

Case No. 4:13-cv-00809-VEH-TMP

MEMORANDUM OF OPINION

The magistrate judge filed a report on January 8, 2015, recommending that the plaintiff's motion for summary judgment (doc. 46) be DENIED. The magistrate judge further recommended that the defendant's special report be treated as a motion for summary judgment and, as such, that it be GRANTED and this action DISMISSED WITH PREJUDICE. Neither party has filed objections to the report and recommendation.

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 hereby is ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a

matter of law. Accordingly, the plaintiff's motion for summary judgment (doc. 46) is due to be and hereby is **DENIED**. Conversely, the defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered in that regard.

The plaintiff's motion for appointment of counsel (doc. 51) is **DENIED** as moot.

DONE this 13th day of February, 2015.



VIRGINIA EMERSON HOPKINS
UNITED STATES DISTRICT JUDGE