

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

CHRISTOPHER LAMONT LEWIS,)

Plaintiff,)

v.)

Case No.: 4:16-cv-00254-VEH-HGD

SHERIFF TODD ENTREKIN,)

et al.,)

Defendants.)

MEMORANDUM OPINION AND ORDER

The plaintiff has filed a *pro se* amended complaint pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States during his incarceration at the Etowah County Detention Center. (Doc. 11). The magistrate judge filed a report and recommendation on October 31, 2016, and issued the following recommendation:

[That] all claims in this action, except the excessive force claim and denial of medical care claim against Officer Tommy Johnson, be **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. The undersigned **FURTHER RECOMMENDS** the excessive force and denial of medical care claims against Officer Tommy Johnson be **REFERRED** to the undersigned for further proceedings.

(Doc. 12 at 9-10) (emphasis in original). The time for filing objections to the

recommendation has expired and no objections have been filed by any party.

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 his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that all claims in this action, except the excessive force claim and denial of medical care claim against Officer Tommy Johnson, are due to be, and hereby are **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1). The excessive force and denial of medical care claims against Officer Tommy Johnson are **REFERRED** to Magistrate Judge Harwell G. Davis, III for further proceedings

DONE this the 21st day of November, 2016.



VIRGINIA EMERSON HOPKINS
United States District Judge