

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

TRAVIS SENTEL PICKENS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:16-cv-01854-LSC-HNJ
)	
ALABAMA DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

ORDER

United States Magistrate Judge Harwell G. Davis, III., entered a report on May 12, 2017, recommending all claims against the Alabama Department of Corrections; all official-capacity claims against defendants Hutton and Johnson; the Eighth Amendment excessive force claims against defendant Hutton for the plaintiff's July 21, 2016, assault; and the Eighth Amendment excessive force and Fourteenth Amendment due process claims against defendants Hutton and Johnson arising from the plaintiff's August 18, 2016, assault be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. (Doc. 6). Magistrate Judge Davis further recommended the plaintiff's Eighth Amendment medical care and conditions of confinement claims against defendant Hutton, and the Eighth Amendment excessive force claim against defendant Johnson for the plaintiff's July 21, 2016, assault be referred back to the

magistrate judge for further proceedings. (*Id.* at 16-17). Although Magistrate Judge Davis advised the plaintiff of his right to file specific written objections within fourteen (14) days, 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, Magistrate Judge Davis' report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. The court **ORDERS** that all claims against the Alabama Department of Corrections; all official-capacity claims against defendants Hutton and Johnson; the Eighth Amendment excessive force claims against defendant Hutton for the plaintiff's July 21, 2016, assault; and the Eighth Amendment excessive force and Fourteenth Amendment due process claims against defendants Hutton and Johnson arising from the plaintiff's August 18, 2016, assault are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b). The court further **ORDERS** that the Eighth Amendment medical care and conditions of confinement claims against defendant Hutton, and Eighth Amendment excessive force claim against defendant Johnson for the plaintiff's July 21, 2016, assault are **REFERRED** to United States Magistrate Judge Herman N. Johnson, Jr., for further proceedings.

DONE AND ORDERED ON JUNE 29, 2017.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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