

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

JERRY LEE DANSBY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.: 4:17-cv-00890-ACA-TMP
CAPT. WHITE,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

After holding an evidentiary hearing on November 13, 2018, the magistrate judge filed a report on January 28, 2019, recommending that judgment be granted in favor of the defendant and against the plaintiff, and that this case be dismissed with prejudice. (Doc. 39). The plaintiff has timely filed written objections to the report and recommendation.

The plaintiff’s objections, in full, are as follows:

I object to finding that I was injured by Capt. White on Nov. 22, 2016. I object to witness testimony when they say the[] assault never happened. I object to all finding of facts and recommendations to which objection is made and specific basis for objecting. How did plaintiff get injured and why was plaintiff given x-ray and Nurse Marcano didn’t document all of my injuries.

(Doc. 40) (alteration added).

While the plaintiff objects to the witnesses’ testimony, he points to no specific finding of fact or conclusion of law that was not in accord with the

testimony given in open court and under oath. The hearing testimony and exhibits from all witnesses other than the plaintiff failed to support the plaintiff's claim he was repeatedly hit by the defendant, Captain White. While Nurse Marcano testified he sent the plaintiff for an x-ray because the plaintiff claimed his nose was broken, he also testified his policy was to order an x-ray whenever a prisoner claimed an injury, the plaintiff did not state how his nose was injured, and the x-ray showed no abnormalities.

Having 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** the recommendation. The court **WILL GRANT** judgment in favor of the defendant and against the plaintiff on all claims in the plaintiff's complaint, with costs taxed as paid.

The court will enter a separate judgment in accordance with this memorandum opinion.

**DONE** and **ORDERED** this February 28, 2019.



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**ANNEMARIE CARNEY AXON**  
UNITED STATES DISTRICT JUDGE