

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

IDARIUS COLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-01635-LSC-SGC
)	
CHRISTOPHER McLAURIN,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

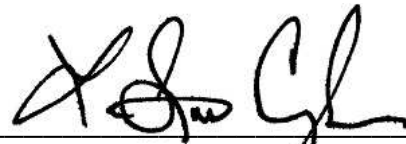
On July 16, 2019, the magistrate judge filed a report (Doc. 33) recommending: (1) the defendant’s motion to dismiss (Doc. 29) be denied; (2) the plaintiff’s pleading (Doc. 30), styled as a motion for summary judgment, be denied without prejudice; and (3) the defendant be required to submit a special report addressing the plaintiff’s excessive force claim. Although the report advised the parties of their right to file specific written objections within fourteen 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, the magistrate judge’s report is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the defendant’s motion to dismiss (Doc. 29) is **DENIED**, and the plaintiff’s motion for summary judgment (Doc. 30) is **DENIED WITHOUT PREJUDICE** to his right

to reassert any substantive arguments following submission of the defendant's special report. The defendant is **ORDERED** to fully comply with the September 12, 2018 Order for Special Report (Doc. 16) within **thirty (30) days** from the entry date of this order.

This matter is **REFERRED** to the magistrate judge for further proceedings.

DONE AND ORDERED ON AUGUST 12, 2019.

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

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

160704