

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

DALE W. GILLEY, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:18-cv-00910-MHH-HNJ
)	
KELVIN WYSINGER, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The plaintiff, Dale W. Gilley, Jr., filed a *pro se* second amended complaint pursuant to 42 U.S.C. § 1983 alleging violation of his rights under the Constitution or laws of the United States. (Doc. 17). On July 28, 2021, the Magistrate Judge entered a report recommending that the Court grant the defendants’ motion for summary judgment and dismiss this action with prejudice. (Doc. 85). Although the parties were advised of their right to file specific written objections within 14 days, the Court has not received objections.

Having reviewed the materials in the Court’s electronic record, including the report and recommendation, the Court adopts the Magistrate Judge’s report and accepts his recommendation. Under the particular facts of this case, the Court agrees that binding authority warrants judgment for the defendants on Mr. Gilley’s excessive force claim based on qualified immunity. The Court also agrees with the

Magistrate Judge's analysis of Mr. Gilley's claims under the PREA, administrative regulations, and the Fourteenth Amendment. Accordingly, by separate order, the Court will enter judgment for the defendants on Mr. Gilley's claims against them.

DONE and **ORDERED** this August 31, 2021.



MADLINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE