

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

RONALD JERMAINE WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 5:12-cv-04048-RBP-RRA
)	
OFFICER A. ARMSTRONG, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The magistrate judge filed a supplemental report and recommendation on April 2, 2013, recommending that all claims in this action, except the excessive force claim against Officer A. Armstrong, be dismissed without prejudice for failing to state a claim upon which relief can be granted. It was also recommended that the excessive force claim against Officer Armstrong be referred to the magistrate judge for further proceedings.

The plaintiff submitted objections to the supplemental report and recommendation on April 9, 2013.¹ (Doc. #11). He contends that his claim against Officer Armstrong for verbal harassment should also proceed because Armstrong’s words made him feel “humiliated and belittled.” *Id.* However, allegations of verbal abuse or harassment by prison officials against

¹ The plaintiff’s objections are unsigned, in violation of F. R. Civ. P. 11. However, because the objections are groundless, requiring the plaintiff to submit a signed copy would be futile.

a prisoner do not alone state a constitutional violation sufficient to form the basis of a separate and distinct claim under § 1983. *Hernandez v. Florida Department of Corrections*, 281 Fed.Appx. 862, 866 (11th Cir, June 9, 2008); *Collins v. Cundy*, 603 F.2d 825 (10th Cir. 1979); *McDowell v. Jones*, 990 F.2d 433, 434 (8th Cir. 1993); *Stacey v. Ford*, 554 F. Supp. 8 (N.D. Ga. 1982).

Having carefully reviewed and considered *de novo* the initial and supplemental report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and his recommendation is ACCEPTED. Accordingly, it is ORDERED that all claims in this action, except the excessive force claim against Officer A. Armstrong, are DISMISSED WITHOUT PREJUDICE, pursuant to 28 U.S.C. § 1915A(b)(1). It is further ORDERED that the excessive force claim against defendant Armstrong is REFERRED to the magistrate judge for further proceedings.

DATED this 29th day of April, 2013.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE