

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

PRESTON WADE RUSSELL,

Plaintiff,

v.

ANA W. FRANKLIN, et al.,

Defendants.

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Case No.: 5:14-cv-02317-RDP-HGD

MEMORANDUM OPINION


On March 4, 2015, the Magistrate Judge’s Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. First, the court **ACCEPTS** the recommendation of the Magistrate Judge that the claims against Defendant Ana W. Franklin are due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted and that Franklin is to be dismissed as a Defendant in this action.

Second, the court also **ACCEPTS** the recommendation of the Magistrate Judge that Defendants Sain and Nau be required to respond to Plaintiff’s allegation that they subjected him to excessive force on April 19, 2014, and that said claim be referred to the Magistrate Judge for further proceedings.

A separate order in accordance with this Memorandum Opinion will be entered.

DONE and **ORDERED** this March 23, 2015.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE