

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

ZANE PERRY PHILLIPS,	)	
	)	
Plaintiff,	)	
	)	Case No. 5:17-cv-00052-KOB-JHE
v.	)	
	)	
CHRISTOPHER GORDY, et al.,	)	
	)	
Defendants.	)	

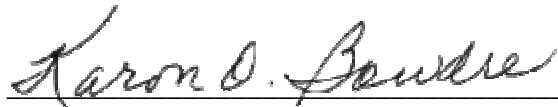
**ORDER**

The magistrate judge entered a report on January 8, 2018, recommending that all of the plaintiff’s claims in this action, except his Eighth Amendment excessive force claim against defendant Walker, be dismissed without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. (Doc. 14). The magistrate judge further recommended the plaintiff’s Eighth Amendment excessive force claim against defendant Walker be referred back to the magistrate judge for further proceedings. (*Id.* at 14). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen days, the court has received no objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court hereby ADOPTS the magistrate judge’s report and ACCEPTS the recommendation. The court

**ORDERS** that the plaintiff's claims, except for his Eighth Amendment excessive force claim against defendant Walker, are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). The court further **ORDERS** that the plaintiff's Eighth Amendment excessive force claim against defendant Walker is **REFERRED** to the magistrate judge for further proceedings.

**DONE** and **ORDERED** this 28<sup>th</sup> day of February, 2018.



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**KARON OWEN BOWDRE**  
CHIEF UNITED STATES DISTRICT JUDGE