

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

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|---------------------------|---|--------------------------------|
| CHELSON D'ANGELO GOODWIN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No.: 5:17-cv-2105-MHH-JHE |
| |) | |
| CPL. MISTY KELLY, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

The magistrate judge filed a report on December 20, 2019, recommending that the Court grant defendant Morgan County’s motion to dismiss, grant summary judgment in favor of defendants Cpl. Misty Kelly, Officer Jason Haggard, Sheriff Ana Franklin, Officer Christopher Bumpus, and John Wright, and dismiss Mr. Goodwin’s claims against defendant Austin Addison without prejudice. (Doc. 63). The magistrate judge advised the parties of their right to object. (Doc. 63, pp. 18-19). The 14-day period to object has expired, and no party has objected.

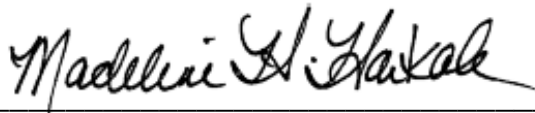
A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d

776, 779 n. 9 (11th Cir. 1993); *see also* *LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Having reviewed and considered the materials in the court file, including the report and recommendation, the Court adopts the magistrate judge's report and accepts his recommendation. Because no genuine issues of material fact exist with respect to Mr. Goodwin's claims against Cpl. Misty Kelly, Officer Jason Haggard, Sheriff Ana Franklin, Officer Christopher Bumpus, and John Wright, the Court will enter summary judgment in favor of those defendants. (Docs. 27, 44). The Court dismisses Mr. Goodwin's claims against Morgan County without prejudice for failure to state a claim. (Doc. 63, p. 11). The Court dismisses Mr. Goodwin's claims against defendant Austin Addison without prejudice for failure to prosecute. (Doc. 63, p. 1, n.1).

The Court will enter a separate final judgment.

DONE this 15th day of January, 2020.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE