

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

CHARLES MALONE,

Plaintiff,

v.

**FREDDIE BUTLER, DONALD
SKIPPER,**

Defendants.

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Case No.: 6:11-CV-453-RDP-HGD

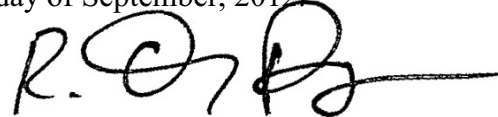
MEMORANDUM OPINION

This is a prisoner civil rights action wherein Plaintiff alleges that he has been deprived of rights, privileges, or immunities afforded him under the Constitution or laws of the United States of America and names as Defendants Warden Freddie Butler and Lieutenant Donald Skipper. (Doc. #5). The Magistrate Judge assigned this matter filed a Report and Recommendation on August 20, 2012, recommending that the Special Report in this case (Doc. #10) be treated as a Motion for Summary Judgment and that the Motion be granted and this case be dismissed with prejudice. (Doc. #18). Plaintiff has not filed objections in this case.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the Magistrate Judge’s Report is due to be and is hereby **ADOPTED** and his Recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that Defendants are entitled to judgment as a matter of law. Accordingly, Defendant’s Motion for Summary Judgment is due to be granted and this action is due to be dismissed with prejudice.

A Final Judgment will be entered.

DONE and ORDERED this 7th day of September, 2012

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE