

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

MARIO RAMIREZ,)	
)	
Plaintiff,)	
)	
vs.)	7:11-CV-2789-WMA-MHH
)	
OFFICER JASON JAMES,)	
)	
Defendant.)	

ORDER

The magistrate judge filed a report and recommendation on October 19, 2012, recommending that the defendant’s motion for summary judgment be denied as to the plaintiff’s claim that Officer James subjected him to cruel and unusual punishment in violation of the Eighth Amendment. The parties were allowed fifteen (15) days in which to file written objections to the magistrate judge’s recommendations. The plaintiff has filed nothing further.

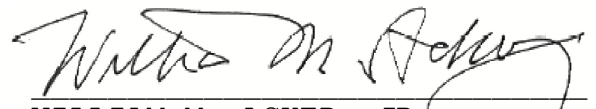
The defendant filed objections to the report and recommendation on November 2, 2012. Officer James points to the substantial evidence he submitted, in contrast to the exaggerated and contradictory allegations of the plaintiff, as grounds for court rejecting the report and recommendation of the magistrate judge and granting his motion for summary judgment.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the defendant, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's

recommendation is ACCEPTED. Because there remains a dispute of facts, the motion for summary judgment filed by Officer Jason James is DENIED.

Defendant Jason James is hereby ORDERED to file an answer within twenty (20) days of the entry date of this order.

DATED this 9th day of November, 2012.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE