

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

**RANDOLPH WAYNE PARKER, JR.,**                    }  
  }  
  }  
  }  
**Plaintiff,**    }  
  }  
**v.**    }  
  }  
**LIEUTENANT THOMAS BUTLER,**                }  
**SERGEANT ANN MARIE FULGHAM**            }  
**and OFFICER NEICKO WHITE,**                }  
  }  
**Defendants.**    }

**Case No.: 7:12-cv-03503-RDP-JHE**


**MEMORANDUM OPINION**

On June 30, 2014, the Magistrate Judge’s Report and Recommendation (Doc. # 40) 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 (Doc. # 40). The court further **ACCEPTS** the recommendations of the Magistrate Judge that Defendants’ special report be construed as a motion for summary judgment and, as such, it be denied, and that this action 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 July 18, 2014.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE