

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

MARY GABRIELLE ROEBLING, }
Plaintiff, }
v. } Case No.: 7:14-cv-00151-RDP
CITY OF TUSCALOOSA, ALABAMA, et }
al., }
Defendants. }

MEMORANDUM OPINION

On October 30, 2015, the Magistrate Judge's Report and Recommendation (Doc. # 35) 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. The court notes particularly, in addition to (but consistent with) the Report of the Magistrate Judge, that Plaintiff did not allege that she ever requested medical treatment. Plaintiff's silence on an express request for medical treatment, while not fatal to her claims on its own, is significant because the record shows that she retained the ability to talk about other matters. Indeed, she spoke to various City and County of Tuscaloosa officers about other topics, including various statements about her foot. (Doc. # 1). And, as the Eleventh Circuit has noted,

[a] person is not required to request medical care to prevail on a claim of deliberate indifference to a serious medical need. But in this situation, where Plaintiff engaged in conversation on different topics, Plaintiff's failure to request medical care supports [the] determination that objectively reasonable law enforcement officers—held to the standard of a layperson, rather than a trained

medical professional—would not be on notice that Plaintiff needed immediate medical care.

Youmans v. Gagnon, 636 F.3d 557, 566 n. 12 (11th Cir. 2010).

For these reasons, and for the reasons stated in the Report and Recommendation, the court **ACCEPTS** the recommendation of the Magistrate Judge that Defendants' Motions to Dismiss (Docs. # 9, 17) are due to be granted and the remaining claims in this case are due to be dismissed as to all Defendants.

A separate order in accordance with the Memorandum Opinion will be entered.

DONE and **ORDERED** this November 23, 2015.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE