

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

CORY LEMAR CANNON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:16-cv-01343-LSC-HNJ
)	
WARDEN WILLIE THOMAS, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report on April 19, 2018, recommending the defendants’ motion for summary judgment be granted. (Doc. 25). The plaintiff filed objections to the report and recommendation on May 3, 2018. (Doc. 26).

The plaintiff argues that the magistrate judge’s report and recommendation is “without merit and is a swayed decision.” (Doc. 26 at 1). The plaintiff further argues that to adopt the magistrate judge’s report and recommendation would be “a grave miscarriage of justice.” (*Id.*). The plaintiff also contends that he did not receive a copy of the defendant’s “allege[d]” Special Report. (*Id.*).

As an initial matter, counsel for the defendants certified that a copy of the Special Report was mailed to the plaintiff at Bibb Correctional Facility on November 29, 2017. (Doc. 19 at 12). On December 18, 2017, the undersigned notified the plaintiff that the defendants had filed a Special Report which the court

would construe as a motion for summary judgment and he would have twenty-one (21) days to file a response. (Doc. 21). On January 5, 2018, the plaintiff filed a “Response to Defendants Special Report,” in which he addressed the defendants’ arguments in their Special Report. (Doc. 24). Thus, the plaintiff’s claim that he did not receive a copy of the Special Report is not well taken.

Next, the plaintiff alleges it would be “unfair” to dismiss his claims and would violate his right to due process. (Doc. 26 at 1-2). However, the plaintiff fails to address in his objections the magistrate judge’s conclusion that there exists no evidence that either Allen or Bryant were subjectively aware that inmate Martin posed a substantial risk of serious harm to him, or that they were deliberately indifferent to his safety. Therefore, the plaintiff has failed to state a constitutional claim for relief against defendants Allen and Bryant. *See Farmer v. Brennan*, 511 U.S. 825, 837-47 (1994).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the magistrate judge’s report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the court **ORDERS** that the defendants’ motion for summary judgment is **GRANTED**, the court finding no genuine issues of material fact exist.

DONE AND ORDERED ON MAY 11, 2018.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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