

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

THOMAS CRAWFORD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:16-cv-01469-AKK-JEO
)	
SERGEANT HINES and DR. DAVID)	
PAVLAKOVIC,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report on May 8, 2018, recommending that defendant Pavlakovic’s motion to dismiss pursuant to 42 U.S.C. § 1997e for the plaintiff’s failure to exhaust administrative remedies be denied. Doc. 29 at 44. The magistrate judge further recommended that defendants Hines’ and Pavlakovic’s motions for summary judgment be granted. *Id.* The plaintiff filed objections to the report and recommendation on May 24, 2018. Doc. 30.

In his objections, the plaintiff restates his claims that defendant Hines failed to protect him from an inmate attack and Dr. Pavlakovic failed to provide him adequate medical treatment for his serious medical needs. Doc. 30. He claims that defendants Hines and Pavlakovic “should have performed their professional duties more properly” and that “things could have been prevented.” *Id.* at 2–3. The

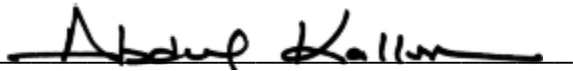
plaintiff also claims generally that “there is much evidence” in his complaint that Pavlakovic delayed his medical treatment. Doc. 30 at 2.

The plaintiff fails to address the magistrate judge’s conclusion that there are no facts showing that defendant Hines had subjective knowledge that inmates Pickens and Jones posed a substantial risk of serious harm to the plaintiff, or that Hines was deliberately indifferent to his safety. Neither is there evidence that defendant Pavlakovic had subjective knowledge of, and disregarded, a risk of serious harm to the plaintiff due to his chronic pain. Indeed, the medical record reveals that after the plaintiff’s initial diagnosis and procedures, defendant Pavlakovic and medical staff routinely examined the plaintiff and Pavlakovic prescribed the plaintiff pain medication and requested diagnostic procedures in response to the plaintiff’s complaints of pain. Doc. 14-1 at 1-129. Moreover, the plaintiff has not placed any “verifying medical evidence in the record to establish the detrimental effect” of a delay as required to succeed on his constitutional claim against Pavlakovic. *Hill v. Dekalb Reg’l Youth Det. Ctr.*, 40 F.3d 1176, 1188 (11th Cir. 1994), *abrogated on other grounds by Hope v. Pelzer*, 536 U.S. 730 (2002).

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 defendant Pavlakovic’s

motion to dismiss pursuant to 42 U.S.C. § 1997e for the plaintiff's failure to exhaust administrative remedies is **DENIED**. The court further **ORDERS** that defendants Hines' and Pavlakovic's motions for summary judgment are **GRANTED**, the court finding no genuine issues of material fact exist and that the defendants are entitled to summary judgment as a matter of law.

DONE the 31st day of May, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE