

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

CARL ADONIS POWELL, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 7:17-cv-00117-LSC-HNJ
	)	
TERRY THOMAS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

The magistrate judge entered a report on October 27, 2017, recommending all claims in this action, except the Eighth Amendment excessive force claims against defendant Lieutenant Terry Thomas in his individual capacity, and the Fourteenth Amendment due process claims against Lieutenant Terry Thomas, Captain John Hutton and Warden Willie Bennett for placing the plaintiff in disciplinary segregation, be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. (Doc. 6 at 24). The magistrate judge further recommended the plaintiff's remaining claim(s) be referred back to the magistrate judge for further proceedings. (*Id.* at 24-25). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. The court **ORDERS** that all claims in this action, except the Eighth Amendment excessive force claims against defendant Lieutenant Terry Thomas in his individual capacity, and the Fourteenth Amendment due process claims against Lieutenant Terry Thomas, Captain John Hutton and Warden Willie Bennett for placing the plaintiff in disciplinary segregation are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b). The court further **ORDERS** that the remaining claims are **REFERRED** to the magistrate judge for further proceedings.

**DONE AND ORDERED** ON DECEMBER 1, 2017.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

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