

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DONNIE SHROPSHIRE, AIS #175941,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 10-470-CB-N
)	
DEBORAH TONEY, et al.,)	
)	
Defendants.)	

ORDER

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is **ORDERED** that defendants' Motion for Summary Judgment is **DENIED in part** as to plaintiffs' claims of deliberate indifference to plaintiff's serious medical need, and excessive use of force, and **GRANTED in part** as to plaintiff's claims concerning exposure to acid vapors as raised in civil action no. 11-304. It is further **ORDERED** that plaintiff's Motion for Discovery (doc. 37) is **GRANTED in part**, so as to require defendants to supplement the Special Report with witness statements from inmate Jerome Fletcher and officer A.L. Ingram. Finally, it is hereby **ORDERED** that plaintiff's Motion to Amend (doc. 39) to add a jury demand is **DENIED**.

DONE this the 18th day of March, 2013.

/s/Charles R. Butler, Jr.

SENIOR UNITED STATES DISTRICT JUDGE