

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

DAVID L. JOHNSON, AIS 134016, :
Plaintiff, :
vs. : CA 11-0228-CG-C
PENTON ASHWORTH, et al., :
Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated September 14, 2012 (Doc. 149), is **ADOPTED** as the opinion of this Court. The motion to dismiss filed by Penton Ashworth, James Pate and Roger Marsh (Doc. 119), and the motion to dismiss filed by defendant Kevin Dunn (Doc. 131) are hereby **DENIED** in their entirety.

DONE and ORDERED this 3rd day of October, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE