

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

MICHAEL DARNELL OLIVER,
(AIS #: 207467)
Plaintiff,

vs.

JOHNNY L. JOHNSON, et al.,
Defendants.

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CIVIL ACTION NO. 11-00520-KD-B

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 Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge dated August 19, 2014 and made under 28 U.S.C. § 636(b)(1)(B) is hereby **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Defendants' motion for summary judgment is **GRANTED in part** and Plaintiff's claims arising out of the incident occurring on July 10, 2011 and involving Defendants Shelton Forney, L. Bailey, K. Reynolds, R. Armstrong, Johnny L. Johnson, C. Kimbrel, and Thaddeus Betts are **DISMISSED**, and Plaintiff's claims arising out of the incidents occurring on August 24-25, 2011 and involving Defendants Johnny L. Johnson, C. Kimbrel, J. Broadhead, Earnest Stanton, A. Gipson, C. Daughtry, Russell Johnson, and Carroll are **DISMISSED**; and **DENIED in part** and this action will proceed with regard to Plaintiff's excessive force claims arising out of the incident occurring on November 12, 2011 and involving Defendants Kimbrel, Tyus, Andrews, Broadhead, Stanton and Gipson.

DONE and ORDERED this the 11th day of **September 2014**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE