

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

DONALD EUGENE GARDNER, III,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 12-0281-CG-C
)	
COUNTY OF BALDWIN, <u>et al.</u> ,)	
)	
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 Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is therefore **ORDERED** that defendants' motion for summary judgment (Docs. 32, 34, 35, 39, 40, 48) be **GRANTED, in part**, and **DENIED, in part**, to the extent that plaintiff's claims for compensatory and punitive damages be **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(e), the claim for injunctive relief be dismissed as **MOOT**, and the claims against defendant Baldwin County be **DISMISSED** with prejudice as frivolous, and that defendants' affirmative defense of failure to exhaust administrative remedies be **DENIED**. It is further **ORDERED** that this action proceed with respect to plaintiff's claims for nominal damages.

DONE and ORDERED this 15th day of January, 2014.

/s/ Callie V. S. Granade

UNITED STATES DISTRICT JUDGE