

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERROL M. WINDHOM,

Plaintiff,

v.

JAMES C. WALLACE,

Defendant.

CIVIL ACTION NO. 5:11-CV-43 (MTT)

ORDER

This matter is before the Court on United States Magistrate Judge Charles H. Weigle's Recommendation to Grant the Defendant's Motion for Summary Judgment. (Doc. 23). The Magistrate Judge recommends granting the Motion because the Plaintiff's disobedience warranted the Defendant's use of pepper spray and the Defendant was not deliberately indifferent by dragging the Plaintiff to the shower for decontamination.¹ Further, the Magistrate Judge recommends granting the Motion because the Defendant was not aware of the Plaintiff's need for medical treatment and the Plaintiff did not receive further injury from being dragged. The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Motion is **GRANTED**.

SO ORDERED, this 3rd day of August, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ Although the Recommendation states that Officer Johnny Hardy helped drag the Plaintiff, for the purpose of the Motion, the Court must assume the Defendant acted alone.