

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

GABE LOCKETT CULLER,

Plaintiff,

v.

OFFICER DESCOTEAUX,

Defendant.

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CIVIL ACTION NO. 5:13-CV-8 (MTT)

ORDER

Before the Court is Magistrate Judge Stephen Hyles's Recommendation to grant the Defendant's motion for summary judgment. (Doc. 25). After a preliminary review of the Plaintiff's complaint, only his excessive force claim against the Defendant was allowed to proceed. (Docs. 5; 10). The Magistrate Judge recommends granting the Defendant's motion for summary judgment as to the claim against the Defendant in his official capacity because the Plaintiff has not alleged that a policy or custom of the City of Macon resulted in any constitutional deprivation. As to the claim against the Defendant in his individual capacity, the Magistrate Judge recommends granting the motion because the Defendant is entitled to qualified immunity. The Plaintiff has not objected to the Recommendation.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendant's motion for summary judgment (Doc. 22) is **GRANTED**.

SO ORDERED, this 15th day of September, 2014.

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