

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

KEVIN WEST,

Plaintiff,

v.

**Sergeant TEMPLE, Sergeant
COPELAND, Sergeant SIRMANS, and
Captain WILLIAMS,**

Defendants.

CIVIL ACTION NO. 5:14-CV-86 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 9). The Magistrate Judge recommends the Court dismiss the Plaintiff's claims against Defendants Williams, Copeland, and Sirmans following a preliminary screening of his case pursuant to 28 U.S.C. § 1915A.

The Plaintiff filed objections to the Magistrate Judge's Recommendation. (Docs. 16, 17). The Court has reviewed the Recommendation and the Plaintiff's objections.¹ The Recommendation is adopted and made the **ORDER** of the Court. The Plaintiff's claims against Defendants Williams, Copeland, and Sirmans are **dismissed**, and these

¹ As to Defendants Copeland and Sirmans, the Plaintiff states additional facts in his objection that might suggest a "failure to intervene" claim against them based on Defendant Temple's alleged use of excessive force. However, even if the Court were to accept these facts as a proper amendment to his complaint, the Plaintiff still has not sufficiently supported this claim because he has not alleged facts indicating Copeland and Sirmans had "a realistic and reasonable opportunity to intervene." *Sampson v. Bess*, 2013 WL 4078218, at *3 (S.D. Ga.) (citation omitted).

parties are dismissed as Defendants in this case. The Plaintiff's claim against Defendant Temple will go forward as ordered by the Magistrate Judge.

SO ORDERED, this 28th day of April, 2014.

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