

was a factual issue, the Magistrate Judge considered the five factors discussed in *Campbell v. Sikes*:

(1) the extent of injury; (2) the need for application of force; (3) the relationship between that need and the amount of force used; (4) any efforts made to temper the severity of a forceful response; and (5) the extent of the threat to the safety of staff and inmates, as reasonably perceived by the responsible officials on the basis of facts known to them.

169 F.3d 1353, 1374 (11th Cir. 1999) (citations and internal quotation marks omitted).

The Magistrate Judge concluded that while the use of force factor weighs in favor of the Plaintiff, the remaining factors do not. *See id.* (“Force does not violate the Eighth Amendment merely because it is unreasonable or unnecessary.”). Specifically, the Plaintiff suffered minor injuries and bleeding. The Defendant perceived a need for force given the Plaintiff “moved away from [the Defendant’s] grip” after the Plaintiff had just refused to submit to another officer’s orders.¹ The Parties agree the Defendant took the Plaintiff to medical after he realized the Plaintiff had a pre-existing shoulder injury. Given the above, the Court agrees there is no genuine issue of fact whether the Defendant’s use of force violated the Eighth Amendment. Accordingly, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Defendant’s motion for summary judgment is **GRANTED**. The Plaintiff’s motions for the appointment of counsel are **DENIED** as moot. (Docs. 14; 23).

SO ORDERED, this 10th day of August, 2015.

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

¹ “[The} Plaintiff admits that he declined to comply with Officer Fowler’s orders.” (Doc. 28 at 5).