

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

DERRICK JOHN RAYMOND DANIELS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:14-CV-442 (MTT)
)	
Lieutenant FELTON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

Before the Court is the Recommendation of U.S. Magistrate Judge Thomas Q. Langstaff (Doc. 75). The Magistrate Judge recommends that the Court grant Defendants Carlos Bernard Felton, Octavia Crawford, and Rodney Sutton’s Motion for Summary Judgment (Doc. 69). Doc. 75 at 11. The Plaintiff has objected to the Recommendation. *See generally* Doc. 76. The Court has performed a de novo review of the portions of the Recommendation to which the Plaintiff objects and adopts the findings, conclusions, and recommendations of the Magistrate Judge and finds that Defendants Felton, Crawford, and Sutton are entitled to judgment as a matter of law.¹ Accordingly, the Defendants’ Motion for Summary Judgment (Doc. 69) is **GRANTED**.

¹In his response to the motion for summary judgment, the Plaintiff seeks to “dismiss . . . without prejudice” his claims against Defendant Felton stating that he cannot “allege actual, factual controversy of Defendant Felton response to the altercation” Doc. 73-1 at 4. In a finding which the Court now adopts, the Magistrate Judge interpreted this as an admission that the Plaintiff’s claim could not survive summary judgment and found that Felton was entitled to judgment as a matter of law. Doc. 75 at 4-5. Moreover, as the Magistrate Judge points out, if the Plaintiff were allowed to “dismiss” his claims, it would effectively be with prejudice because the two-year statute of limitations has passed.

SO ORDERED, this 5th day of June, 2017.

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