

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

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| RONNIE WILLIAMS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 5:15-CV-231 (MTT) |
| |) | |
| MCLAUGHLIN, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

This case is before the Court on the Recommendation (Doc. 37) of United States Magistrate Judge Charles H. Weigle regarding Defendants Officer Smith, Officer Mango, Sergeant Henderson, and Unit Manager Tracey McIntyre’s Motion for Summary Judgment (Doc. 27). The Magistrate Judge recommends the motions be granted because the Plaintiff failed to create a genuine issue of material fact.¹ The Plaintiff has not objected to the recommendation.² The Court has reviewed the Recommendation,

¹ In stating the standard for summary judgment, the Recommendation purports to quote the following language: “A dispute about a material fact is genuine and summary judgment is inappropriate if the evidence is such that a reasonable jury could return a verdict for the nonmoving party. However, there must exist a conflict in substantial evidence to pose a jury question.” Doc. 37 at 2 (quotation marks omitted). From the Recommendation, it is unclear whether this quote is from *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986) or *Verbraeken v. Westinghouse Elec. Corp.*, 881 F.2d 1041 (11th Cir. 1989). See *Id.* In fact, the first sentence, although misquoted in the Recommendation, is from *Anderson* and the second is from *Verbraeken*. *Anderson*, 477 U.S. at 248 (“[S]ummary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.”); *Verbraeken*, 881 F.2d at 1045 (“There must be a conflict in substantial evidence to create a jury question.”). Regardless, the Recommendation applies the correct standard for summary judgment.

² Although the Plaintiff did not file an objection, he did submit three filings after the entry of the Recommendation that merely request the case be settled and recite the elements of an Eighth Amendment claim. See Docs. 38; 39; 40. Even construing these filings liberally, the Court finds they do not present an objection to 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. Therefore, the Defendants' Motion for Summary Judgment (Doc. 27) is **GRANTED**. This case is **DISMISSED**.

SO ORDERED, this 10th day of March, 2017.

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