

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

DASMINE ALEXANDER WALKER,

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Plaintiff,

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v.

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CIVIL ACTION NO. 5:17-CV-393 (MTT)

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Deputy MICHAEL HARRIS, *et al.*,

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Defendants.

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**ORDER**

Pursuant to 28 U.S.C. § 1915A(a) and § 1915(e), United States Magistrate Judge Charles H. Weigle has conducted a screening of Plaintiff Dasmine Alexander Walker’s complaint and recommends that Walker’s excessive force claims against all Defendants should proceed for further factual development. Doc. 6 at 1, 7. However, the Magistrate Judge recommends, to the extent Walker attempts to assert retaliation claims or religious freedom claims under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C.A. § 2000cc, *et seq.*, and the First Amendment, that those claims be dismissed for failure to state a claim. *Id.* at 1, 8-10. Walker has not objected to the Recommendation. The Court has reviewed the Recommendation and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Court notes, however, that Walker does not allege that Defendant Melanie Dupuis took part in the excessive force. Doc. 1 at 7-9; *see also* Doc. 6 at 6, 7 n.1. Therefore, to the extent Walker alleges an excessive force claim against Dupuis, that claim is **DISMISSED without prejudice**. But as the Magistrate Judge points out, Walker appears to allege

that Dupuis witnessed the excessive force and failed to intervene. Docs. 1 at 8; 6 at 6, 7 n.1. Accordingly, that claim shall also proceed for further factual development.

Accordingly, the Recommendation is **ADOPTED as amended** and made the order of this Court. Walker's excessive force claims against Defendants Deputy Michael Harris, Deputy Justin Andrews, Deputy Azucena Ortiz, and Deputy Christopher Freeman and his failure to intervene claim against Defendant Sergeant Melanie Dupuis shall proceed for further factual development. Walker's remaining claims are **DISMISSED without prejudice**.

**SO ORDERED**, this 8th day of March, 2018.

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