

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2019 SEP 13 PM 2:34

WILLIAM NAVARRO CASTILLO,

Plaintiff,

v.

OFFICER BRANTLEY,

Defendant.

CLERK M. Aris
SO. DIST. OF GA.

CIVIL ACTION NO.: 6:16-cv-49

ORDER

The Court has conducted an independent and de novo review of the entire record and concurs with the Magistrate Judge's Report and Recommendation, doc. 70. Plaintiff filed Objections to this Report and Recommendation. Doc. 71.

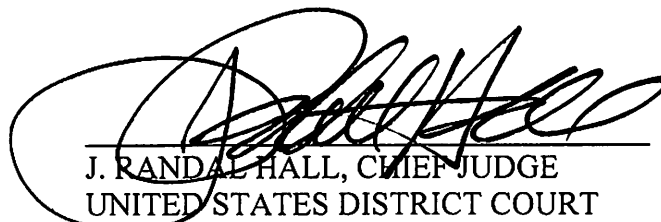
In his Objections, Plaintiff asserts he did not receive documents from the Court, some Court documents were taken from him, and yet other documents were delivered to other inmates. Id. at 1–2. Plaintiff asks that the Court not deny his motion for summary judgment, yet he also asks that another inmate, Kentrell Thomas, be allowed to testify on his behalf during a trial to present evidence Plaintiff has been retaliated against “for many years” Id. at 2. Plaintiff details other acts he claims were done as retaliation because he has filed grievances and lawsuits against officers. Id. at 2–4. In addition, Plaintiff recounts the factual allegations of his cause of action. Id. at 5–9. Plaintiff feels his motion for summary judgment should not be denied because he did not receive this Court's Scheduling Notice, doc. 64, or have any knowledge that discovery closed on March 29, 2018. Id. at 9.

Plaintiff's assertions regarding the alleged retaliation he has been subjected to are not relevant to the issues remaining before this Court. Rather, Plaintiff's remaining claims are his

claims against Defendant for an excessive use of force and deliberate indifference to serious medical needs. Doc. 70 at 4; Doc. 71 at 5–9. Additionally, even if Plaintiff had no knowledge that discovery ended on March 29, 2018, that lack of knowledge has no bearing on this Court’s ruling on Plaintiff’s motion for summary judgment. What is more, Plaintiff engaged in at least some discovery processes in this case. See Doc. 71 at 7 (comparing Defendant’s response to an interrogatory request with his statements in a document filed with the Court). Further, the Scheduling Notice Plaintiff contends he did not receive, doc. 64, required motions for summary judgment to be filed by April 28, 2018, and Plaintiff filed his Motion for Summary Judgment well in advance of that deadline. Finally, Plaintiff’s substantive Objections to the Report and Recommendation only serve to underscore the Magistrate Judge’s conclusion—the evidence of record does not show there are no genuine disputes as to any fact material to the resolution of Plaintiff’s claims against Defendant, and thus, Plaintiff is not entitled to judgment as a matter of law. Doc. 70 at 5. Instead, the remaining issues before the Court must be presented to a trier of fact. Id.

Accordingly, the Court **OVERRULES** Plaintiff’s Objections and **ADOPTS** the Magistrate Judge’s Report and Recommendation as the opinion of the Court. The Court **DENIES** Plaintiff’s Motion for Summary Judgment, doc. 65.

SO ORDERED, this 13th day of September, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA