

5. The clerk is directed to enter **JUDGMENT** in favor of the United States with respect to plaintiff's negligence claim concerning the denial of immediate medical care for injuries suffered during the incident at his cell door on November 20, 2014;

6. The motion for summary judgment is **DENIED** with regard to plaintiff's assault and battery claims arising from the conduct of correctional officers Lt. Scott, Lt. Seeba, Officer Anderson, Officer Arnold, Officer Missigman, Officer Sullivan, and two unidentified correctional officers on November 20, 2014, and his use of force claim arising from the application of excessively tight restraints; and

7. The Clerk of Court is directed to remand this case to Magistrate Judge Saporito for further proceedings consistent with the accompanying memorandum.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court