

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

KASSAN KHALID MORGAN,)	
TDCJ No. 1306656,)	
Plaintiff,)	
)	Civil No. 7:09-CV-167-O
v.)	
)	
RICHARD BARNETT, JR., <i>et al.</i> ,)	
Defendants.)	

ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files and records in this case, of the Report and Recommendation of the United States Magistrate Judge, and of Plaintiff’s Objections to the Magistrate Judge’s Recommendation, I am of the opinion that the Report and Recommendation of the Magistrate Judge with regard to the issue of qualified immunity is correct and the recommendations on qualified immunity are hereby adopted and incorporated by reference as the Findings and Order of the Court.


Defendants Richard Barnett, Eric Milbern, Karen Die, Andrew Green, Lisa James, Justin Roy, and Marion Johnston are not entitled to qualified immunity at this time. These Defendants are entitled to raise the issue of qualified immunity during a summary judgment proceeding and/or at trial.

Defendants Anthony Brias¹ and Krissie Maston are entitled to qualified immunity and are hereby DISMISSED as parties to this action.

¹ Plaintiff has identified this Defendant as “Anthony Bria” and Defendants have identified him as “Anthony Brias.” For purposes of this order, they are one and the same.

The Magistrate Judge has recommended a temporary stay for consideration of Plaintiff's motions to compel discovery and a temporary stay of discovery itself. However, due to the September 2012 trial setting, the Court will allow the parties to proceed with the unresolved discovery issues. The continuation of discovery will be directed by separate order.

SO ORDERED this 10th day of April, 2012.



Reed O'Connor
UNITED STATES DISTRICT JUDGE