

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

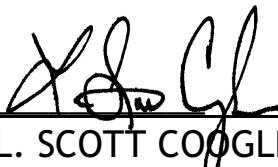
MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 21, 2007, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice as to Warden Cheryl Price and dismissed without prejudice as to plaintiff's claims of inadequate medical care against Dr. James Whitley, Nurse Cole, and Nurse Miller. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a

matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE as to Warden Cheryl Price and DISMISSED WITHOUT PREJUDICE as to plaintiff's claims of inadequate medical care against Dr. James Whitley, Nurse Cole, and Nurse Miller. A Final Judgment will be entered.

Done this 21st day of December 2007.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
124153