

FILED

JUL 10 1993

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.  
*cc*

RONALD PATRICK SWINEY, #154406, )  
Plaintiff, )  
v. )  
E. L. HARRELSON, et al., )  
Defendants. )

CIVIL ACTION NO. 91-D-978-N

RECOMMENDATION OF THE MAGISTRATE JUDGE

I. INTRODUCTION

The plaintiff, Ronald Patrick Swiney, filed this action under 42 U.S.C. § 1983 against E. L. Harrelson, the Warden at Kilby Correctional Facility, Capt. Terrance McDonald, the captain in charge of security at Kilby Correctional Facility, and Montgomery Security, Inc., a private security corporation. The plaintiff complains that the defendants have violated his constitutional rights when two employees of the Montgomery Security, Inc. who were hired to guard the plaintiff while he was in a free-world hospital verbally abused and threatened him.

II. FACTUAL BACKGROUND

According to the undisputed evidence before the court, the plaintiff was hospitalized at the Humana Hospital in Montgomery during August 1989 for a heart condition. While there, he was guarded by two employees of Montgomery Security Services, Inc. The factual versions of what occurred during that period are different. According to affidavits filed by the defendants, the