

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JERMAINE LAKEITH HUNT

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:09-cv-131-HSO-JMR

DAVID ALLISON

DEFENDANT

**MEMORANDUM OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, GRANTING DEFENDANT'S MOTION TO DISMISS OR, IN
THE ALTERNATIVE, FOR SUMMARY JUDGMENT AND FOR QUALIFIED
IMMUNITY, DENYING PLAINTIFF'S MOTION FOR JOINDER, GRANTING
DEFENDANT'S MOTION TO STRIKE, AND DISMISSING ALL CLAIMS
AGAINST DEFENDANT WITH PREJUDICE**

This cause comes before the Court on the Report and Recommendation [59] of Chief United States Magistrate Judge John M. Roper, entered in this cause on September 2, 2010. Judge Roper reviewed Plaintiff's Motion for Summary Judgment [34], Defendant's Motion to Dismiss, or in the Alternative, for Summary Judgment and for Qualified Immunity [43], [46], Plaintiff's Motion for Joinder [50], and Defendant's Motion to Strike [58], and determined that Plaintiff's Motion for Summary Judgment [34] should be denied, that Defendant's Motion to Dismiss, or in the Alternative, for Summary Judgment and for Qualified Immunity [43], [46] should be granted, that Plaintiff's Motion for Joinder [50] should be denied, that Defendant's Motion to Strike [58] should be granted, and that all claims against Defendant should be dismissed with prejudice. *See* Report and Recommendation, at pp. 1, 28.

A copy of the Report and Recommendation was sent to Plaintiff at his last known address by certified mail, return receipt requested, on September 2, 2010.

See Sept. 2, 2010, Docket Entry [59]. The envelope containing the Report and Recommendation was received on September 7, 2010. See Acknowledgment of Receipt [60]. Plaintiff has not filed any objection to the Report and Recommendation. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [59] of Chief United States Magistrate Judge John M. Roper, entered in this cause on September 2, 2010, should be, and the same hereby is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff's Motion for Summary Judgment [34] should be and hereby is **DENIED**, that Defendant's Motion to Dismiss, or in the Alternative, for Summary Judgment and for Qualified Immunity [43], [46] should be and hereby is **GRANTED**, that Plaintiff's Motion for Joinder [50] should and hereby is **DENIED**, and that Defendant's Motion to Strike [58] should be and hereby is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff's claims against Defendant David Allison are hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED, this the 25th day of October, 2010.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE