

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

JOE BENOIT MARTIN, #208789,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:07-cv-0335-MEF
)	
WARDEN LEON FORNISS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 19, 2009, the Magistrate Judge filed a Recommendation (Doc. #38) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the ORDER, JUDGMENT and DECREE of the court that:

1. That the Recommendation of the Magistrate Judge entered on May 19, 2009 (Doc. # 38), is hereby MODIFIED by the substitution of "2007" for "2009" in the first sentence on page 9 of the Recommendation of the Magistrate Judge which formerly read "On March 27, 2009, Martin and Hardy engaged in a physical altercation in the dining hall which began when 'inmate Hardy...asked inmate Martin to stop talking about him (Hardy).[']" In all other respects, the Recommendation of the Magistrate Judge is accepted and hereby ADOPTED as the opinion of this Court;

2. The defendants' motion for summary judgment is GRANTED, judgment is GRANTED in favor of the defendants, and this case is DISMISSED with prejudice.

3. The costs of this proceeding is taxed against the plaintiff.

DONE this the 15th day of June, 2009.

/s/ Mark E. Fuller

CHIEF UNITED STATES DISTRICT JUDGE