

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

DEMARQUEIS WAYNE JOHNSON,	)	
AIS # 178713,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv1117-ID
	)	(WO)
LOUIS BOYD, <i>et al.</i> ,	)	
	)	
Defendant.	)	

**ORDER**

On May 26, 2011, the Magistrate Judge filed a Recommendation in this case. (Doc. # 31). The Magistrate set July 11, 2011 as the final day for the Plaintiff to file objections to the Recommendation. The Court received an objection on July 15, 2011. However, the objection was dated July 11, 2011 by the Plaintiff and so the Court will consider it timely filed.<sup>1</sup>

The Court has conducted a de novo review of the portions of the Recommendation to which the Plaintiff objects. After a de novo review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Plaintiff’s objection, (Doc. #37), be and the same is hereby denied;
2. That the Recommendation of the Magistrate Judge, (Doc. #31), be and the same

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<sup>1</sup> Under *Houston v. Lack*, 487 U.S. 266, 270-75 (1988) and its progeny, unless there is evidence to the contrary, the date an inmate signs his filings controls as the date of delivery to prison officials and thus, the date of filing. See *Garvey v. Vaughn*, 993 F.3d 776 (11th Cir. 1993) (extending *Houston* to pro se prisoner complaints in § 1983 cases); *Washington v. United States*, 243 F.3d 1299, 1301 (11th Cir. 2001).

is hereby ADOPTED;

3. That the defendants' motion for summary judgment (Doc. # 10) be and is hereby GRANTED; and

4. That this case be and is hereby DISMISSED with prejudice.

Done this the 5th day of August, 2011.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE