

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

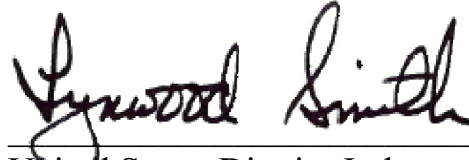
<b>WILLIE McMILLER,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 5:10-cv-03255-CLS-JEO</b>
	)	
<b>LT. JAMES SMITH, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on July 3, 2012, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. (Doc. 23.) 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 it hereby is, 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. A Final Judgment will be entered.

DONE this 26th day of July, 2012.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

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United States District Judge