

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KENDRICK DEMOND GRAY,)	
Plaintiff,)	
v.)	CIVIL ACTION 09-0669-KD-N
)	
JEFFREY HILBURN,)	
Defendant.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 and dated September 1, 2011, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Defendant Hilburn's Motion for Summary Judgment (Docs. 24, 25, 26) is **GRANTED** on the basis that the Defendant is entitled to qualified immunity, and that this action is **DISMISSED with prejudice**.

DONE and ORDERED this the **28th** day of **September 2011**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE