

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

GARY A. KENNEDY,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 12-00051-KD-C
)	
CITY OF MONROEVILLE, et al.,)	
Defendant.)	

ORDER

After due and proper consideration of all issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection (Doc. 59) is made, the Report and Recommendation (Doc. 58) of the Magistrate Judge dated August 5, 2013, and entered pursuant to 28 U.S.C. § 636(b)(1)(B) is hereby **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that the Defendants' Motion for Summary Judgment (Doc. 35) is **GRANTED** and that Plaintiff's Complaint (Doc. 9) be and is hereby **DISMISSED with prejudice**. It is further **ORDERED** that Plaintiff's Motion for Appointment of Counsel (Doc. 50) and Motion to Subpoena Evidence (Doc. 51) are **DENIED as moot**.

DONE and ORDERED this the 4th day of **September 2013**.

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