

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

O'DELL HALL, JR.,
Plaintiff,

vs.

Case No. 3:06cv351/RV/EMT

LT. LEAVINS, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Fifth Report and Recommendation dated August 18, 2009 (Doc. 190). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of all timely filed objections.

Having considered the Report and Recommendation, and any timely filed objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Fifth Report and Recommendation (Doc. 190) is adopted and incorporated by reference in this order.
 2. The motion for summary judgment filed by Defendants Leavins, Sutton, and Johnson (Doc. 120) is **GRANTED**.
 3. The motion for summary judgment filed by Defendants Gielow and Sanford (Doc. 179) is **GRANTED**.
 4. Plaintiff's Third Amendment claim is **DISMISSED** as frivolous.
 5. The clerk shall enter final judgment in favor of all Defendants.
- DONE AND ORDERED** this 4th day of September, 2009.

/s/ Roger Vinson

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE