

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DARREL CUMMINGS,

Plaintiff,

v.

CASE NO. 4:07cv428-RH/WCS

WARDEN DUFFIE HARRISON,
et al.,

Defendants.

_____ /

ORDER DENYING SUMMARY-JUDGMENT MOTION

This case is before the court on the magistrate judge's report and recommendation (document 115). No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The defendants' motion for summary judgment (document 93) is DENIED. The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on February 7, 2010.

s/Robert L. Hinkle
United States District Judge