

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

DANIEL FETZER,

Plaintiff,

vs.

4:07cv464-WS

**JAMES R. McDONOUGH,
WALTER A. McNEIL, and
WARDEN ELLIS,**

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the court is the magistrate judge's report and recommendation (doc. 54) docketed June 29, 2009. The magistrate judge recommends that the defendants' motion (doc. 37) and supplemental motion (doc. 49) for summary judgment be granted. The Plaintiff has filed objections (doc. 61) to the report and recommendation.

The court having considered the record in light of the plaintiff's objections, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 54) is ADOPTED and incorporated by reference into this order.
2. The defendants' motion (doc. 37) and supplemental motion (doc. 49) for summary judgment are GRANTED.

3. The plaintiff's motion for summary judgment (doc. 38) is DENIED.
4. The clerk shall enter judgment in favor of the defendants on all of the plaintiff's claims.

DONE AND ORDERED this 29th day of September, 2009.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE