

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

MANUEL HIERRO,

Plaintiff,

vs.

CASE NO. 5:09-cv-68/RS-GRJ

DR. DANIEL CHERRY, et al.,

Defendants.

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ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 128).

Plaintiff has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendants' Motion for Summary Judgment (Doc. 107) is **GRANTED**.
3. The clerk is directed to enter final judgment in favor of Defendants Cherry and Tran and terminate them as parties to this suit.

ORDERED on September 22, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE