

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

MARCUS ROSSER,

Plaintiff,

v.

CYNTHIA NELSON, Warden, *et al.*,

Defendants.

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1:06-CV-113 (WLS)

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed February 19, 2009. (Doc. 43). It is recommended that Defendants' Motion for Summary Judgment (Doc. 31) be granted based upon the multiple defenses and arguments included therein. *Id.* No objection has been filed to date.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 43) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion for Summary Judgment (Doc. 31) is **GRANTED**.

**SO ORDERED**, this 30<sup>th</sup> day of March, 2009.

/s/W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT JUDGE**