



of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendant's Motion to Dismiss (Doc. 83) is **GRANTED**, and Plaintiff's § 1983 case is **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). In view of the Court's grant of Defendant's Motion to Dismiss, Defendant's Motions for Summary Judgment (Doc. 76) is **DENIED AS MOOT**.

**SO ORDERED**, this 30<sup>th</sup> day of March 2011.

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