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

MICHAEL DAVID DENNEY,	:
Plaintiff,	:
v.	:
CYNTHIA NELSON,	:
Defendant.	:

CASE NO: 1:06-cv-172 (WLS)

<u>ORDER</u>

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed March 11, 2011. (Doc. 91). It is recommended that Defendant's Motion to Dismiss (Doc. 83) be granted and that Plaintiff's case, brought pursuant to 42 U.S.C. § 1983 (Doc. 2), be dismissed without prejudice for abuse of the judicial process. (Doc. 91 at 6-7). It is also recommended that Defendant's Motion for Summary Judgment (Doc. 76) be denied as moot. (Doc. 91 at 7).

The Report and Recommendation provided the Parties with fourteen (14) days¹ from the date of its service to file written objections to the recommendations therein. (*Id.* at 7). The period for filing objections expired on Monday, March 28, 2011; no objections have been filed to date. (*See* Docket).

In view of the absence of any objections from the record of this case and the Court's consideration of the record as a whole, United States Magistrate Judge Langstaff's March 11, 2011 Report and Recommendation (Doc. 91) is **ACCEPTED**, **ADOPTED** and made the Order

¹ The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

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^{th} day of March 2011.

/s/ W. Louis Sands

THE HONORABLE W. LOUIS SANDS, UNITED STATES DISTRICT COURT