

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

**DAVID RAY TONEY,**

**Plaintiff,**

**v.**

**DAVID BUTTS, et al.,**

**Defendants.**

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**Civil Action No.  
5:07-CV-262 (CAR)**

**ORDER ON THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Tab 30] that the unopposed Motion for Summary Judgement [Doc. 25] filed by Defendants Butts and Riner be granted and that Plaintiff's claims against the remaining defendants be dismissed for Plaintiff's failure to prosecute. No Objection was filed, and having considered the matter, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation of the United States Magistrate Judge is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendants' Motion for Summary Judgment is hereby **GRANTED**, and any other claims asserted the remaining defendants are **DISMISSED** with prejudice.

SO ORDERED, this 16<sup>th</sup> day of January, 2009.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

jlr