

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

HUBERT SPRAYBERRY,

Plaintiff,

v.

**J. DARRELL HART and JACK
MELTON,**

Defendants.

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**Civil Action No.
7:08-CV-27 (HL)**

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. 41), which recommends granting Defendants’ Motion to Dismiss (Doc. 15) and denying Plaintiff’s Motion for Summary Judgment (Doc. 35 and 38). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Plaintiff’s untimely Objection and has made a *de novo* determination of the portions of the R&R to which Plaintiff objects. After careful consideration, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. Accordingly, Plaintiff’s Motion to Dismiss Defendants’ Motion to Dismiss (Doc. 19) and Plaintiff’s Motion to Proceed (Doc. 45) are denied.

SO ORDERED, this the 13th day of March, 2009.

s/ Hugh Lawson
HUGH LAWSON, Judge

wjc