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

JEAN JOCELYN MERILIEN,	:	
Plaintiff,	:	
v.	:	**Civil Action No. 7:08-CV-149 (HL)**
Warden DARRELL HART, et al.,	:	
Defendants.	:	

ORDER

Before the Court is the Recommendation (Doc. 44) entered on August 8, 2010 of United States Magistrate Judge Thomas Q. Langstaff, in which the Magistrate Judge recommends that Defendants' Motion to Dismiss (Doc. 35) be granted and Plaintiff's motion to again amend his complaint (Doc. 42) be dismissed. Plaintiff has filed an objection (Doc. 45). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Plaintiff's objections and has made a de novo determination of the portions of the Recommendation to which he objects.

After careful consideration, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Court adds that Plaintiff's letter to Defendant Hart alerting him to prison gang activity is insufficient to place Defendant Hart on notice that inmate Sims Clendon might attack Plaintiff. Plaintiff has not alleged that inmate Sims Clendon is a member of a prison gang.

Accordingly, the Defendants' motion to dismiss is granted and Plaintiff's motion to amend his complaint is denied.

SO ORDERED, this the 31st day of August, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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