

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

CHARLES SEYMOUR,

Plaintiff,

v.

Deputy Warden TED PHILBIN, et. al.,

Defendants.

Civil Action 7:10-CV-38 (HL)

ORDER

This case is before the Court on a Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 18), entered on November 2, 2010. The Magistrate Judge recommends that Defendants Nickle be dismissed from this action and that Plaintiff's challenge to his conviction be dismissed.

Plaintiff has filed an objection (Doc. 32) to the recommendation to dismiss Defendant Nickle. The Court has made a *de novo* review of the portions of the Recommendation to which objection has been made. After careful consideration, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. Defendants Nickle is dismissed from this action.

As Plaintiff has not made an objection to the recommendation to dismiss the challenge to his conviction, the Court reviews that recommendation for clear error only. The Court finds no clear error in the Magistrate Judge's recommendation, and accepts and adopts the recommendation. Plaintiff's challenge to his conviction is dismissed.

SO ORDERED, this the 7th day of December, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh