

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

FILED  
U.S. DISTRICT COURT  
AUGUSTA, GA  
2009 FEB -3 A 9:34  
CLERK *B. McCarty*

DUBLIN DIVISION

TERRANCE B. SMITH, )  
 )  
 Plaintiff, )  
 )  
 v. ) CV 307-024  
 )  
 JIMMY SMITH, Officer, )  
 )  
 Defendant. )

**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendant's motion for summary judgment is **GRANTED**, Plaintiff's motion to deny summary judgment is **DENIED**, and an appropriate final judgment shall be **ENTERED** in favor of Defendant.

SO ORDERED this 3<sup>rd</sup> day of February, 2009, at Augusta, Georgia.

*[Signature]*  
UNITED STATES DISTRICT JUDGE