

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
at ASHLAND**

CIVIL ACTION NO. 16-110-HRW

CODY RYAN HENDERSON,

PLAINTIFF,

v.

ORDER

CITY OF GREENUP, et al.,

DEFENDANTS.

This matter is before the Court upon Plaintiff's Motion for Proposed Agreement of Dismissal [Docket No. 30], Defendants' Motion for Summary Judgment [Docket No. 35], and Plaintiff's Motion to Dismiss [Docket No. 38]. These motions were referred to United States Magistrate Edward B. Atkins for Report and Recommendation. In his Report and Recommendation, the Magistrate Judge recommends that this matter dismissed without prejudice [Docket No. 39].

Defendants filed Objections to the Magistrate Judge's Report and Recommendation [Docket No. 40]. The Court having reviewed the Objections find nothing therein which would call into question Magistrate Judge Atkins' findings.

Accordingly, **IT IS HEREBY ORDERED:**

- (1) that the Magistrate Judge's Report and Recommendation [Docket No. 39] is hereby, **APPROVED and ADOPTED** as for the opinion of the Court;
- (2) Plaintiff's Motion to Dismiss [Docket. 38] be **SUSTAINED** and Plaintiff's claim be **DISMISSED WITHOUT PREJUDICE**;
- (3) Plaintiff's Motion for Proposed Agreement of Dismissal [Docket No. 30] be

OVERRULED AS MOOT; and

- (4) Defendant's Motion for Summary Judgment [Docket No. 35] be **OVERRULED AS MOOT**.

This 13^h day of February, 2018.



Signed By:

Henry R. Wilhoit, Jr.

United States District Judge

HENRY R. WILHOIT, JR.
SENIOR U. S. DISTRICT JUDGE