

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
ASHLAND

Eastern District of Kentucky
FILED

MAR 14 2019

AT ASHLAND
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

Civil Action No. 18-12-HRW

CLAUDE RAYMOND COX, JR.,

PLAINTIFF,

v.

ORDER

DUSTIN HOWARD, et al.,

DEFENDANTS.

This matter is before the Court upon Defendants Dustin Howard and Sherman Sparks' Motion for Summary Judgment [Docket No. 20] and Plaintiff's construed Cross Motion for Summary Judgment [Docket No. 23]. The motion was referred to United States Magistrate Candace J. Smith for Report and Recommendation.

On February 15, 2019, Magistrate Judge Smith entered her Report and Recommendation wherein she found that Defendants are entitled to summary judgment and the claims against Defendant James Skoggs should be dismissed [Docket No. 26]. Plaintiff has not filed objections to the Magistrate Judge's Report and Recommendation, and the time for doing so has passed.

Accordingly, **IT IS HEREBY ORDERED:**

- (1) that the Magistrate Judge's Report and Recommendation [Docket No. 26] is hereby **APPROVED** and **ADOPTED** as and for the Court's opinion;
- (2) Defendants' Motion for Summary Judgment [Docket No. 20] be **SUSTAINED**;
- (3) Plaintiff's construed Cross Motion for Summary Judgment [Docket No. 23] be **OVERRULED**;
- (4) all claims against Defendant James Skoggs be **DISMISSED WITH PREJUDICE** for

failure to prosecute; and

(5) that this matter be **STRICKEN** from the docket of this Court.

This 14th day of March, 2019.



Signed By:

Henry R. Wilhoit, Jr.

United States District Judge