

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DIVISION

DAVID SANDERS

PLAINTIFF

v.

No. 1:16CV212-GHD-RP

ITAWAMBA COUNTY, ET AL.

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the State of Mississippi is **DISMISSED** voluntarily from this case by the plaintiff;
3. That Judge James Roberts and District Attorney Nebra Porter are **DISMISSED** from this case, as they are immune from civil suit;
4. That Defense Attorney Christopher Bauer is **DISMISSED** from this case, as he is not a state actor and is not a proper defendant in this suit filed under 42 U.S.C. § 1983; and
5. That the plaintiff's claims of excessive force **PROCEED** as to defendants Itawamba County, Jailor Greg Wilemon, Sheriff Chris Dickerson, and Jail Administrator Vicky Russell.

SO ORDERED, this, the 25th day of October, 2017.



SENIOR JUDGE