

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

**JERRY LYNN LOFTON
a/k/a GERRY LYNN LOFTON**

PLAINTIFF

v.

No. 3:16CV211-MPM-JMV

**NURSE MELANIE EVERETT
SHERIFF BILL RASCO
CHIEF LOONEY
DESOTO COUNTY ADULT DETENTION FACILITY
BYAHLIA, MISS. POLICE CHIEF
BYHALIA, MISS. POLICE DEPT.**

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 plaintiff's claims regarding the taking of his property and denial of a meal are **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.
3. That the DeSoto County Adult Detention Facility and Byhalia Police Department are **DISMISSED** from this case as they are not proper defendants.
4. That the plaintiff's claims regarding denial of adequate medical treatment and excessive force shall **PROCEED**.

SO ORDERED, this, the 23rd day of March, 2017.

**/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI**