

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

ALVIN V. LUCKETT, JR.

PLAINTIFF

V.

NO. 4:07CV083-P-D

CHRIS EPPS, et al.

DEFENDANTS

FINAL JUDGMENT

The Plaintiff, an inmate, brings this *pro se* complaint pursuant to 42 U.S.C. § 1983. Plaintiff was afforded an evidentiary hearing where he was allowed to present testimony and evidence as well as cross examine defense witnesses. Following the hearing, the Magistrate Judge has submitted a Report dated December 8, 2008, recommending the dismissal of all Defendants except Defendant Hand. Further, the Judge recommends that Plaintiff's claim related to shakedowns and an excessive force incident in November 2005, be dismissed with prejudice. The Magistrate Judge finally recommends that Defendant Hand be held liable as to the excessive force claim in the amount of \$200.00, plus court costs.

Plaintiff has filed his objections to the Magistrate Judge's recommendation. The court is of the opinion that both of the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

THEREFORE, it is hereby ORDERED that

(1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation (docket entry 78) is APPROVED and ADOPTED as the opinion of this court;

(3) Defendants Porter, Willis, Samuel Moore, Curtis Reed, Cheryl Johnson, Precious Love, Debra Tombs and Joseph McKenny are DISMISSED with prejudice;

(4) Plaintiff's claims related to shakedowns and an excessive force incident in November of 2005, are DISMISSED with prejudice;

(5) Plaintiff's claim for punitive damages is DISMISSED with prejudice;

(6) JUDGMENT is entered in favor of Plaintiff against Defendant Charles Hand in the amount of \$200.00 plus the costs of court;

(7) Plaintiff's motion for time (docket entry 83) is MOOT;

(8) Plaintiff's motion (docket entry 84) is MOOT; and

(9) this matter is CLOSED.

SO ORDERED, this the 20th day of January, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE