

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

**DAVID WEATHERSPOON**

**PLAINTIFF**

**v.**

**No. 4:08CV3-P-D**

**JOHN D. FERGUSON, ET AL.**

**DEFENDANTS**

**FINAL JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated October 14, 2009, and the October 26, 2009, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated October 14, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the defendants' motion for summary judgment is **GRANTED**.
3. That this case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).
4. That this case is **CLOSED**.

THIS, the 2<sup>nd</sup> day of December, 2009.

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