

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

**JAEI FRAISE**

**PLAINTIFF**

**V.**

**NO. 4:08CV147-M-D**

**“UNKNOWN” STURDIVANT**

**DEFENDANT**

**ORDER ADOPTING  
REPORT AND RECOMMENDATION  
AND DISMISSING CASE**

The Plaintiff, an inmate, brings this complaint *pro se* pursuant to 42 U.S.C. § 1983. The Magistrate Judge has submitted a Report dated March 6, 2009, recommending the dismissal of two Defendants.

The Report was on that date duly served by mail upon Plaintiff and Defendants at their last known addresses; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that 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 Report and Recommendation (docket entry 21) is **APPROVED** and **ADOPTED** as the opinion of this court;

(2) Defendants Thomas and Brewer and the claims against them are **DISMISSED WITH PREJUDICE**; and

(3) Plaintiff may proceed with his claim against Defendant Sturdivant.

SO ORDERED, this the 7<sup>th</sup> day of April, 2009.

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