

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

WILLIAM DAVIS

PLAINTIFF

v.

No. 4:09CV51-P-S

LAWRENCE KELLY

DEFENDANT

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated November 9, 2009, the court finds that the deadline for objecting to the Magistrate Judge's Report and Recommendation has expired, and the plaintiff has filed no objections. The Magistrate Judge's Report and Recommendation should therefore 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 November 9, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the instant 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).

3. That the plaintiff's pending motion [11] to amend the complaint is **DISMISSED** as moot in light of this ruling.

4. That this case is **CLOSED**.

THIS, the 2nd day of December, 2009.

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