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

DARYL MORRIS PETITIONER

V. NO. 4:10CV058-P-S

DANNY SCOTT, et al.

RESPONDENTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, the court finds that the Report and

Recommendation of the United States Magistrate Judge dated September 30, 2010, was on that date

duly served by mail upon Petitioner 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 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

ORDERED:

1) the Report and Recommendation of the United States Magistrate Judge dated September

30, 2010, is hereby APPROVED and ADOPTED as the opinion of the court;

2) the motion to dismiss (docket entry 8) is GRANTED;

3) the petition is DISMISSED with prejudice; and

4) this matter is CLOSED.

THIS the 7th day of December, 2010.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE