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

DESMOND SHIELDS PLAINTIFF

V.

CIVIL ACTION NO. 4:16-CV-00163-NBB-JMV

M.S.P. DISCIPLINARY DEPT. WARDEN TIMOTHY MORRIS

DEFENDANTS

## FINAL JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff 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 filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is ordered:

- 1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
- 2. That the instant case is **DISMISSED** for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. § 1915(g).
  - 3. That this case is **CLOSED**.

**SO ORDERED AND ADJUDGED** this, the 27<sup>th</sup> day of February, 2017.

/s/ Neal Biggers

NEAL B. BIGGERS, JR. UNITED STATES DISTRICT JUDGE