

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

CORNELL MARTIN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08-cv-324-HSO-JMR

SHERIFF DAVID ALLISON

DEFENDANT

FINAL JUDGMENT

This matter is before the Court on submission of the Report and Recommendation of Chief United States Magistrate John M. Roper [30-1] entered in this cause on September 4, 2009. The Court, having adopted said Report and Recommendation as the finding of this Court by Order entered this date, finds that this matter should be dismissed. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, Defendant's Motion to Dismiss filed July 28, 2009 [26-1], pursuant to FED. R. CIV. P. 37 and 41(b), should be and is hereby **GRANTED**, and the above captioned cause should be and is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED, this the 24th day of September, 2009.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE