

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

GARY WAYNE BROWN, II

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08-cv-1312-HSO-JMR

JACKSON COUNTY, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION TO
GRANT DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This cause comes before the Court on the Report and Recommendation [36-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on January 22, 2010. The Magistrate Judge reviewed the pleadings on file and determined that based on the record, Defendants' Motion for Summary Judgment [32-1] should be granted. To date, no objection to the Report and Recommendation has been filed by Plaintiff.¹

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions

¹ The record reflects that a copy of the Report and Recommendation was mailed to Plaintiff, at his last known address, by certified mail on January 22, 2010, and again on February 8, 2010. The docket reflects that Plaintiff's mail was returned as undeliverable and that Plaintiff was released from custody in October 2009. A docket annotation dated February 10, 2010 states:

Plaintiff called the Clerk's Office and said that he was released from jail in October 2009. Plaintiff said he sent out a change of address, but we never received any documentation. Clerk instructed the Plaintiff to mail a change of address as soon as possible in order for us to change his address.

To date, Plaintiff has not filed a new address with the Court.

of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation thoroughly considered all issues, and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Defendants’ Motion for Summary Judgment should be granted. Said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [36-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on January 22, 2010, should be, and the same hereby is, adopted as the finding of this Court. The Court will enter a final judgment in accordance with the Rules.

SO ORDERED AND ADJUDGED, this the 15th day of March, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE