

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

**JAEI FRAISE**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:08cv1390HSO-JMR**

**HOLLY KRANTZ, CHARLES ESQUE,  
and THOMAS CLARK**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause comes before the Court on the Report and Recommendation [34] of Chief United States Magistrate Judge John M. Roper, recommending that Plaintiff's Motion [25] to Dismiss be granted, and that Defendants Holly Krantz and Charles Esque be dismissed from this action without prejudice. No party has filed objections to the Magistrate Judge's Report and Recommendation.

Where a party fails to file specific objections to a magistrate judge's report and recommendation, the district court reviews the report and recommendation for findings and conclusions that are clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1); *see also United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Based on the record before this Court, the undersigned finds that the Magistrate Judge's findings were not clearly erroneous, nor were his conclusions contrary to law. After referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation [34], the relevant law, and the record in this matter, and being fully advised in the premises, finds that the Report and Recommendation [34] of Chief Magistrate Judge John M. Roper, should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [34] of Chief Magistrate Judge John M. Roper should be and hereby is adopted in its entirety as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Plaintiff Jael Fraise's Motion [25] to Dismiss should be, and hereby is, **GRANTED**, and Plaintiff's claims against Defendants Holly Krantz and Charles Esque are **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED AND ADJUDGED**, this the 2<sup>nd</sup> day of February, 2010.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE