

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

DENNIS O'NEAL LEE

PLAINTIFF

v.

CAUSE NO. 1:15cv203-LG-RHW

CHRISTOPHER EPPS, et al.

DEFENDANTS

**ORDER ADOPTING FINDINGS OF FACT AND RECOMMENDATION AND
DENYING MOTION TO DISMISS FILED BY CENTURION**

This cause comes before the Court on the [76] Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker. Plaintiff Dennis O'Neal Lee is a prisoner proceeding *pro se* and *in forma pauperis*. He brought this action against multiple defendants pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Defendant Centurion, the medical care services provider at the South Mississippi Correctional Institution, moved to dismiss any claim(s) against it. After an omnibus hearing, Magistrate Judge Walker recommended that the Court deny Centurion's [58] Motion to Dismiss.

Defendant Centurion has not timely objected to any aspect of the Magistrate Judge's Findings of Fact Recommendation. Where no party has objected to the Magistrate Judge's 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 of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Recommendation and determine whether it is either clearly erroneous or

contrary to law. *See, e.g., United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court is of the opinion that Magistrate Judge Walker's Recommendation is neither clearly erroneous nor contrary to law. Accordingly, the Court finds that the [76] Findings and Fact and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the [76] Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker should be, and hereby is, adopted as the opinion of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the [58] Motion to Dismiss filed by Defendant Centurion is **DENIED**.

SO ORDERED AND ADJUDGED this the 9th day of June, 2017.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE