

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

WILLIE LOUIS JACKSON

PLAINTIFF

v.

CAUSE NO. 1:16cv420-LG-RHW

CITY OF GULFPORT and
LARRY McCOOK

DEFENDANTS

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [29] entered by United States Magistrate Judge Robert H. Walker on September 11, 2017, in which he recommends that the Motion for Summary Judgment¹ [19] filed by the City of Gulfport should be granted. The plaintiff Willie Louis Jackson has not filed an objection. After reviewing the record in this matter and the applicable law, the Court finds that the Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court, and Jackson's claims against the City of Gulfport should be dismissed with prejudice.

DISCUSSION

Jackson filed this section 1983 lawsuit against the City of Gulfport and several individual officers. He claimed that he was arrested in retaliation for attempting to file a grievance against Gulfport police officers who beat him and towed his car. In support of its Motion for Summary Judgment, the City submitted

¹ The Motion was filed as a Motion to Dismiss pursuant to Fed. R. Civ. P. 12 or 56. Since the City relied on evidence outside the pleadings in support of its Motion, Judge Walker treated the Motion as a Motion for Summary Judgment.

uncontroverted evidence that Jackson was arrested pursuant to two outstanding warrants, and the warrants were based on charges to which Jackson pled guilty. Since there was no evidence that a City policy caused Jackson to suffer a constitutional injury, Judge Walker recommended that the City's Motion for Summary Judgment should be granted.

Judge Walker's Proposed Findings of Fact and Recommendation [29] was issued on September 11, 2017, and the Court sent a copy of it to Jackson's last known address via certified mail. A return receipt has been filed in the record reflecting that the mail was received on September 12, 2017. (Return Receipt, ECF No. 30).² Jackson has not filed an objection to the Proposed Findings of Fact and Recommendation.

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 of the report or specified proposed findings and recommendations to which objection is made.") In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor

² A subsequent Order [31] that was mailed to Jackson has been returned as undeliverable due to Jackson's release from prison. (Return Receipt, ECF No. 32).

contrary to law. As a result, the City's Motion for Summary Judgment [19] is granted, and Jackson's claims against the City are dismissed with prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [29] entered by United States Magistrate Judge Robert H. Walker is **ADOPTED** as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the City of Gulfport's Motion to Dismiss [19], which this Court has construed as a Motion for Summary Judgment, is **GRANTED**. Willie Louis Jackson's claims against the City of Gulfport are hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 19th day of October, 2017.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE