

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

PATRICK LAMONT KING

PLAINTIFF

VS.

CIVIL ACTION NO. 2:12cv29-KS-MTP

RON KING, ET AL

DEFENDANTS

ORDER

THIS MATTER is before the Court on the Defendants' Motion for Summary Judgment [24], the Plaintiff's Motion to Dismiss Summary Judgment [29], and upon the Report and Recommendation [30] of the United States Magistrate Judge, Michael T. Parker, entered herein on May 21, 2013, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and the Defendant's Motion for Summary Judgment as to Ron King is granted, and is further granted as to Plaintiff's claim against Roderick Evans in his official capacity. Said claims are hereby dismissed with prejudice. The motion is denied as to Plaintiff's claim against Roderick Evans for excessive force in his individual capacity. A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss Summary Judgment [29] is denied.

SO ORDERED, this the 17th day of June, 2013.

s/ Keith Starrett

UNITED STATES DISTRICT JUDGE