

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

TIMOTHY EUGENE DAVIS

PLAINTIFF

v.

CIVIL ACTION NO. 2:16-CV-74-KS-MTP

ALEX HODGE

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard upon the Report and Recommendation [33] of the United States Magistrate Judge entered herein on October 3, 2017, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation [33], 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 [33] should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [33] be, and the same hereby is, adopted as the finding of this Court. The Motion for Summary Judgment [29] is therefore **granted**, and this action is **dismissed without prejudice**.

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

s/Keith Starrett
UNITED STATES DISTRICT JUDGE