

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

ROGER JOHNSON

PLAINTIFF

vs.

Civil Action No. 3:04-cv-393 HTW-FKB

OFFICER DELANIO SANDERS and  
SHERIFF MALCOLM McMILLIN

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter comes on pursuant to the Report and Recommendation of United States Magistrate Judge Keith Ball and the written objection to the proposed findings and recommendation. Based upon the evidence therein contained, this court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby adopted as the order of this court.

IT IS, THEREFORE, ORDERED that Officer Delanio Sanders is dismissed without prejudice as a defendant in this action pursuant to Fed.R.Civ.P. 4(m).

**SO ORDERED, this the 27th day of January, 2012.**

**s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE**