

**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

WILLIE E. JOHNSON and
SHERIFF MALCOLM McMILLIN

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Keith Ball. On March 13, 2012, the plaintiff asked for additional time to file a surreply to the motion for summary judgment filed by Sheriff Malcolm McMillin. Because of the filing of the Magistrate Judge's Report and Recommendation on March 7, 2012, this court denied the plaintiff's motion for additional time to file a surreply and instead ordered the plaintiff to respond to the Report and Recommendation no later than Monday, March 26, 2012. As of this date, there has been no response from the plaintiff. Therefore, this court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the order of this court. Defendant Sheriff Malcolm McMillin's motion for summary judgment [docket # 115] is granted.

SO ORDERED, this the 28th day of March, 2012.

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