

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

BRIAN F. HOGAN

PLAINTIFF

V.

CIVIL ACTION NO. 3:07CV616 DPJ-FKB

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on the Report and Recommendation of Magistrate Judge F. Keith Ball. Judge Ball recommended denial of Plaintiff's motion for summary judgment. Specifically, Judge Ball noted that the Court had previously considered Defendants' motion for summary judgment and concluded that several material, disputed factual issues with regard to Plaintiff's due process claim existed. The undersigned agrees that denial of Plaintiff's motion for summary judgment is appropriate. Moreover, Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has now passed.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball, and the same is hereby, adopted as the finding of this Court, and Plaintiff's motion for summary judgment should be denied.

**SO ORDERED AND ADJUDGED** this the 27<sup>th</sup> day of May, 2010.

*s/ Daniel P. Jordan III*  
UNITED STATES DISTRICT JUDGE