

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

DARYAL THOMAS NELSON, JR., #6781

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:09cv59-HTW-LRA

MR. CHRISTOPHER EPPS,
MRS. MARYLIN PHILPOT,
MR. FRANKLIN BREWER
and MRS. ALICIA BOX

DEFENDANTS

FINAL JUDGMENT

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby,

ORDERED AND ADJUDGED that the Plaintiff's claim pursuant to 42 U.S.C. § 1983 is dismissed with prejudice for failure to state a claim, see 28 U.S.C. § 1915(e)(2)(B)(ii), counting said dismissal as a strike in accordance with 28 U.S.C. § 1915(g), and without prejudice as to habeas claim relating to the calculation of his sentence.

This the 18th day of June, 2009.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE