

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

NICCOLA M. WELCH

PLAINTIFF

V.

CIVIL ACTION NO. 3:12cv144-DPJ-FKB

TYRONE LEWIS, et al.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation [38] of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended granting Defendants Sheriff Tyrone Lewis, Major Mary Rushing, and Captain Mike Ivy's motion for summary judgment.¹ Judge Ball recommended dismissing Welch's claims without prejudice for failure to exhaust his administrative remedies. Welch did not file an Objection to the Report and Recommendation, and the time to do so has now passed. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

¹Plaintiff has not effected service on Defendants Malcolm McMillin and Captain Ogden Wilburn.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 8th day of July, 2013.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE