

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JAMES WINDING

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV142 DPJ-FKB

T. NAYLOR

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended dismissal of James Winding's § 1983 claim against Defendant T. Naylor for failure to exhaust administrative remedies. Specifically, Naylor submitted an affidavit in support of her motion for summary judgment stating that Winding has never filed a grievance against her alleging falsification of medical records—the basis of his § 1983 against her. Winding has come forward with no evidence to the contrary. Moreover, Winding has failed to file an Objection in response to the Report and Recommendation, and the time to do so has passed.

Accordingly, 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 and Defendant Naylor's motion for summary judgment should be granted.

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 is dismissed.<sup>1</sup>

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<sup>1</sup> The Court previously dismissed all other claims in this action.

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 5<sup>th</sup> day of December, 2014.

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