

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,  
WESTERN DIVISION**

HENDERSON DuVAL HOUGHTON, #55194-004

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:04cv271-DCB-JCS

UNITED STATES OF AMERICA

DEFENDANT

**FINAL JUDGMENT**

This matter having come before the Court on the Report and Recommendation [docket entry no. 96] of Magistrate Judge James C. Sumner, the Court having adopted said Report and Recommendation in full and having determined that it lacks subject matter jurisdiction over the plaintiff's claims for negligence and negligence per se, and there being no other claims for relief remaining before the Court; accordingly,

**IT IS HEREBY ORDERED AND ADJUDGED** that the case is **DISMISSED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that the plaintiff's claims for negligence and negligence per se are **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED AND ADJUDGED** that any remaining motions pending in this matter should be **DENIED AS MOOT**.

**SO ORDERED AND ADJUDGED**, this the 1<sup>st</sup> day of February 2008.

s/ David Bramlette  
**UNITED STATES DISTRICT JUDGE**