

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

**LATRELL ADAMS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 5:08cv154-DCB-MTP**

**CHRISTOPHER EPPS, et al.**

**DEFENDANTS**

**REPORT AND RECOMMENDATION**

THIS MATTER is before the court on a Motion to Dismiss Party as Defendant [52] filed by the Plaintiff. In his motion, plaintiff requests that defendant Christopher Epps be dismissed, stating that “after due consideration of all the facts in this case...[Mr.] Epps should not be a defendant in this case because he did not have all evidence presented to him when he made the decision to deny plaintiff relief.” Mr. Epps has filed a response [59] indicating that he has no opposition to the motion. Accordingly, the court recommends that the Motion [52] be GRANTED and that plaintiff’s claims against defendant be dismissed without prejudice.

**NOTICE OF RIGHT TO OBJECT**

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within ten days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within ten days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by

the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

SO ORDERED this the 7th day of November, 2008.

s/ Michael T. Parker

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United States Magistrate Judge