

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

AARON MCKINNEY PLAINTIFF  
VS. CIVIL ACTION NO. 5:12-cv-135-DCB-MTP  
RAYMOND BYRD, ET AL. DEFENDANTS

## 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, and the Court, having fully reviewed the 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.

The relief requested by the Plaintiff in his complaint has been granted and the claim he wishes to add against SMCI is not ripe.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court, and the Plaintiff's complaint is dismissed as moot. 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, this the 21st day of August, 2013.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE