

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER EDWARD NOLAND,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-07-494-F
)	
GARFIELD COUNTY DETENTION)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

United States Magistrate Judge Valerie K. Couch issued a Supplemental Report and Recommendation on September 29, 2009, wherein she recommended that (1) summary judgment be entered in favor of defendants Misty Taylor, Dorothy Tabor, Bill Winchester and Jerry Niles as to plaintiff’s 42 U.S.C. § 1983 claims on grounds that plaintiff failed to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a); (2) summary judgment be entered in favor of defendants Board of County Commissioners of Garfield County, Steve Hobson, Michael Postier, and Scott Savage as to plaintiff’s 42 U.S.C. § 1983 claims on various grounds; (3) the dismissal motion of defendants Board of County Commissioners of Garfield County, Hobson, Postier, and Savage be deemed moot, as superseded by their summary judgment motion; (4) the exercise of supplemental jurisdiction be declined over any state law claims brought by plaintiff; and (5) plaintiff’s motion to amend the complaint and motion for appointment of counsel be denied.

After granting plaintiff an extension of time to file an objection to the Supplemental Report and Recommendation, plaintiff filed Plaintiff’s Objections to the Findings and Recommendation of the Magistrate on November 30, 2009. Pursuant

to 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with Magistrate Judge Couch's analysis and recommendations. The court finds plaintiff's objections to be without merit. Therefore, the court accepts, adopts, and affirms the Supplemental Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that

1. The Supplemental Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch issued September 29, 2009 (doc. no. 96) is **ACCEPTED, ADOPTED, and AFFIRMED.**

2. Defendants State of Oklahoma, ex rel. Board of County Commissioners of Garfield County - Steve Hobson, Michael Postier, and Scott Savage's Motion to Dismiss Plaintiff's Amended Complaint, filed January 5, 2009 (doc. no. 73), is **DEEMED MOOT.**

3. Defendants Misty Taylor and Dorothy Tabor's Motion for Summary Judgment, filed April 7, 2009 (doc. no. 81), is **GRANTED** with respect to plaintiff's 42 U.S.C. § 1983 claims on grounds that plaintiff has failed to exhaust his administrative remedies pursuant to 42 U.S.C. § 1997e(a).

4. Defendants Bill Winchester and Jerry Niles' Motion for Summary Judgment, filed April 7, 2009 (doc. no. 82), is **GRANTED** with respect to plaintiff's 42 U.S.C. § 1983 claims on grounds that plaintiff has failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a).

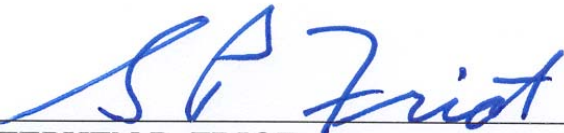
5. Defendants Hobson, Postier, and Savage's Motion for Summary Judgment, filed April 7, 2009 (doc. no. 83), is **GRANTED** with respect to plaintiff's 42 U.S.C. § 1983 claims.

6. Plaintiff's Motion to Amend Amended Complaint and Add Parties, filed April 29, 2009 (doc. no. 88), and Plaintiff's Motion for Appointment of Counsel, filed April 29, 2009 (doc. no. 89), are **DENIED**.

7. As to any remaining state law claims, the court, in its discretion and pursuant to 28 U.S.C. § 1367(c)(3), declines to exercise supplemental jurisdiction over the state law claims and **DISMISSES WITHOUT PREJUDICE** the state law claims.

8. Judgment shall issue forthwith.

DATED December 15, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE