

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

FILED

APR 27 2009

JERRY L. THOMAS,

Plaintiff,

vs.

KATRYNA FRECH et al.,

Defendants.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

No. CIV-08-1338-W

ORDER

On March 13, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended, after having reviewed the allegations in the amended complaint filed by plaintiff Jerry L. Thomas, that the Court summarily dismiss without prejudice Thomas' claims in Counts II, V, VII, VIII, IX, XI, XIII, XV, XVI, XVII, XVIII, XIX and XX. Thomas was advised of his right to object, and the matter now comes before the Court on Thomas' timely-filed Objections to Report and Recommendation.

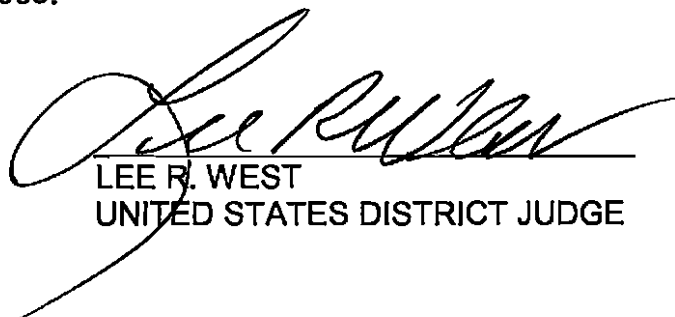
Thomas has sought relief under title 42, section 1983 of the United States Code and has sought monetary as well as equitable relief from multiple defendants, all of whom are identified as either officials at James Crabtree Correctional Center, where Thomas was incarcerated at the time he filed this action, or officials of the Oklahoma Department of Corrections.

Because Magistrate Judge Purcell has set forth the relevant factual background in his Report and Recommendation as well as the applicable legal analyses, the Court finds repetition of the same is unnecessary.

Thomas has not opposed dismissal of Counts V, XI, XVIII and XIX, and upon de novo review of the record, the Court, after engaging in the screening required by title 28, section 1915A of the United States Code, e.g., 28 U.S.C. § 1915(e)(2), concurs with Magistrate Judge Purcell's suggested disposition of Counts II, VII, VIII, IX, XIII, XV, XVI, XVII and XX.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 18] issued on March 18, 2009;
 - (2) DISMISSES without objection and without prejudice Counts V, XI, XVIII and XIX;
 - (3) summarily DISMISSES without prejudice Counts II, VII, VIII, IX, XIII, XV, XVI, XVII and XX; and
 - (4) RE-REFERS this matter to Magistrate Judge Purcell for further proceedings.
- ENTERED this 27th day of April, 2009.



LEE R. WEST
UNITED STATES DISTRICT JUDGE