

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

CHRISTOPHER SNIDER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-09-822-M
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants.)	

AMENDED ORDER

On August 28, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking damages for alleged constitutional violations committed by defendants. The Magistrate Judge recommended that plaintiff's claims against defendants United States of America, United States Marshal Service, State of Oklahoma and Oklahoma State Department of Health be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b) on the ground of immunity. It is also recommended that plaintiff's claims against all defendant seeking injunctive relief be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(a) for failure to state a claim upon which relief may be granted and on the ground of mootness. It is further recommended that plaintiff's claims against Grady County, Grady County Law Enforcement Center, Larry McGill, Charlene Doucet, Randall Mink, Chelsie Valadez, Stephan Wells, Michael Edwards, Danesa Srnsky, Chad King, Eric Osborne, Denise Rodgers, Rebecca Stucks, Angelica Gonzal, Matt Lane, "John Doe," Patrick James, Debra Keef, Jeff Carol, Bruce Farrell, Terry Byrd, Larry McBride and Vernon Harwell be dismissed without prejudice pursuant to 28 U.S.C. § 1915(A)(a) for failure to state a claim upon which relief may be granted. The parties were advised of their right to object to the Report and Recommendation by September 17, 2009, and on September 18, 2009, plaintiff untimely filed his objection.

In his objections, plaintiff asserts that the Court, at hearings on January 22, 2008 and February 20, 2008, did not adequately address his complaints concerning the possible violation of his constitutional rights. Plaintiff further asserts that: his Complaint adequately alleges personal participation as to the relevant defendants; a typographical error was made with respect to his jurisdictional allegations; and (3) the Magistrate Judge made incorrect determinations of law.

Upon de novo review, the Court:

- (1) ADOPTS the well-reasoned and thorough Report and Recommendation issued by the Magistrate Judge on August 28, 2009;
- (2) DISMISSES with prejudice plaintiff's claims against defendants United States of America, United States Marshal Service, State of Oklahoma and Oklahoma State Department of Health pursuant to 28 U.S.C. § 1915A(b) on the ground of immunity;
- (3) DISMISSES with prejudice plaintiff's claims against all defendants seeking injunctive relief, pursuant to 28 U.S.C. § 1915A(a) for failure to state a claim upon which relief may be granted and on the ground of mootness;
- (4) DISMISSES without prejudice plaintiff's claims against Grady County, Grady County Law Enforcement Center, Larry McGill, Charlene Doucet, Randall Mink, Chelsie Valadez, Stephan Wells, Michael Edwards, Danesa Srnsky, Chad King, Eric Osborne, Denise Rodgers, Rebecca Stucks, Angelica Gonzal, Matt Lane, "John Doe," Patrick James, Debra Keef, Jeff Carol, Bruce Farrell, Terry Byrd, Larry McBride and Vernon Harwell, pursuant to 28 U.S.C. § 1915(A)(a) for failure to state a claim upon which relief may be granted; and
- (5) ORDERS that the dismissal be counted as a "prior occasion" or "strike" pursuant to 28 U.S.C. § 1915(g) since the plaintiff has exhausted or waived his right to appeal.

IT IS SO ORDERED this 30th day of September, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE