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

KIRBY JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-10-0361-F
	)	
DEBORAH JOHNS, et al.,	)	
	)	
Defendants.	)	

ORDER

Plaintiff Kirby Johnson, a state prisoner appearing *pro se* and whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights.

Plaintiff has objected in one respect to the March 4, 2011 Report and Recommendation of Magistrate Judge Doyle W. Argo, in which Magistrate Judge Argo recommends that defendants' motion to dismiss/motion for summary judgment be granted. (Objection, doc. no. 37; Report, doc. no. 36; defendants' motion, doc. no. 31.) Plaintiff objects to the Magistrate Judge's recommendation that Count I be dismissed due to the doctrine of res judicata.

As required by 28 U.S.C. §636(b)(1), the court has reviewed all matters covered in the Report and has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objection, the record, and the relevant authorities, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff's objection to the Report and Recommendation of Magistrate Judge Argo is **DENIED**, and the Report and Recommendation is

ACCEPTED, **ADOPTED**, and **AFFIRMED** in its entirety. The motion for summary judgment is **GRANTED** as to defendants Johns on Count I of Plaintiff's Complaint, and as to defendants Johns, Miller, Bowen, Butler, Ford, Ellington, Polydys, Haungs, and the Lawton Corrections Center on Counts II through V of Plaintiff's Complaint. Also, as recommended in the Report, Plaintiff's claims against defendants John Doe #1, John Doe #2, John Doe #3, and Jan Reeder are **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to timely serve them with a summons and a copy of the Complaint pursuant to Rule 4(m), Fed. R. Civ. P. This order adjudicates or dismisses all claims alleged in this action, and judgment will be entered in accordance with this order.

Dated this 1st day of April, 2011.

STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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