

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

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|-----------------------|---|------------------------|
| HENRY JOSEPH JAQUEZ, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | Case No. CIV-11-1406-F |
| |) | |
| JUSTIN JONES, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER


On May 17, 2012, United States Magistrate Judge Bana Roberts issued a Report and Recommendation (doc. no. 36), wherein she recommended that defendant, Justin Jones' motion to dismiss (doc. no. 25) be granted and that plaintiff's claim for monetary damages against defendant, Justin Jones, in his official capacity, be dismissed with prejudice and plaintiff's remaining claims against defendant, Justin Jones, be dismissed without prejudice for failure to state a viable claim for relief. In the Report and Recommendation, Magistrate Judge Roberts advised the parties of their right to object to the Report and Recommendation by June 6, 2012 and that failure to make timely objection to the Report and Recommendation waives the right to appellate review of both the factual and legal issues therein contained.

To date, no objection has been filed. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on May 17, 2012 (doc. no. 36) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Defendant Justin Jones' Motion to Dismiss (doc. no. 25) is **GRANTED**. Plaintiff's claim for monetary damages against defendant, Justin

Jones, in his official capacity, is **DISMISSED WITH PREJUDICE** and plaintiff's remaining claims against defendant, Justin Jones, are **DISMISSED WITHOUT PREJUDICE** for failure to state a viable claim for relief.

DATED June 21, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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