

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

JOHN ROLAND,)
Plaintiff,)
v.) Case No. CIV-14-1182-D
OKLAHOMA CORRECTIONAL)
INDUSTRIES, et al.,)
Defendants.)

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Erwin recommends that Plaintiff’s official capacity claims under 42 U.S.C. § 1983 should be dismissed without prejudice, that summary judgment should be granted to Defendant Jerry Thompson on Plaintiff’s individual capacity claim, but that Plaintiff should be granted leave to amend his pleading to name the individual employee of the Department of Corrections who was actually involved in the incident of which he complains.

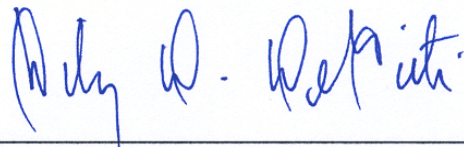
Plaintiff has neither filed a timely objection nor requested additional time to object. Upon consideration, the Court finds that Plaintiff has waived further review of all issues addressed in the Report. See Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991); see also United States v. 2121 East 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 33] is ADOPTED in its entirety, and Defendants’ Motion to Dismiss/Motion for Summary

Judgment [Doc. No. 27] is GRANTED as set forth herein. Plaintiff's action against Defendants Oklahoma Correctional Industries, Department of Corrections, and Sgt. Jerry Thompson in his official capacity is dismissed without prejudice, and summary judgment is granted to Defendant Jerry Thompson in his individual capacity.

IT IS FURTHER ORDERED that Plaintiff may file an amended complaint within 21 days from the date of this Order. If no amendment is timely filed, a judgment shall be entered in accordance with this Order.

IT IS SO ORDERED this 22nd day of October, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE