

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

BILLY BUTLER,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-17-364-F
	)	
HECTOR RIOS, et al.,	)	
	)	
Defendants.	)	

**ORDER**


United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation on November 30, 2017, recommending that Defendants’ Motion to Dismiss or in the Alternative Motion for Summary Judgment, construed as a motion for summary judgment, be granted and that judgment issued in favor of defendants and against plaintiff. In the Report and Recommendation, Magistrate Judge Purcell advised the parties of their respective right to file an objection to the recommended ruling by December 20, 2017 and that failure to timely object would waive appellate review of the recommended ruling.

To date, no party has filed an objection to the Report and Recommendation. Nor has any party sought an extension of time to file an objection. With no objection filed within the time prescribed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell (doc. no. 29) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Defendants’ Motion to Dismiss or in the Alternative Motion for

Summary Judgment, construed as a motion for summary judgment (doc. no. 27), is **GRANTED**. Judgment shall issue forthwith.

IT IS SO ORDERED this 3<sup>rd</sup> day of January, 2018.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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